

The University of Chicago

WORK ACCIDENTS TO MINORS
IN ILLINOIS

A DISSERTATION SUBMITTED TO THE FACULTY OF
THE SCHOOL OF SOCIAL SERVICE ADMINISTRATION
IN CANDIDACY FOR THE DEGREE OF DOCTOR OF
PHILOSOPHY

1938

By
EARL EDWIN KLEIN

Private Edition, Distributed by
THE UNIVERSITY OF CHICAGO LIBRARIES
CHICAGO, ILLINOIS

Reprint of
Social Service Monograph
The University of Chicago

1938

THE UNIVERSITY OF CHICAGO
SOCIAL SERVICE MONOGRAPHS

Published in conjunction with the Social Service Review

Edited by THE FACULTY OF THE SCHOOL
OF SOCIAL SERVICE ADMINISTRATION

WORK ACCIDENTS TO MINORS
IN ILLINOIS

THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILLINOIS

THE BAKER & TAYLOR COMPANY
NEW YORK

THE CAMBRIDGE UNIVERSITY PRESS
LONDON

THE MARUZEN-KABUSHIKI-KAISHA
TOKYO, OSAKA, KYOTO, FUKUOKA, SENDAI

THE COMMERCIAL PRESS, LIMITED
SHANGHAI

The University of Chicago

WORK ACCIDENTS TO MINORS IN ILLINOIS

A DISSERTATION SUBMITTED TO THE FACULTY OF
THE SCHOOL OF SOCIAL SERVICE ADMINISTRATION
IN CANDIDACY FOR THE DEGREE OF DOCTOR OF
PHILOSOPHY

1938

By
EARL EDWIN KLEIN

Private Edition, Distributed by
THE UNIVERSITY OF CHICAGO LIBRARIES
CHICAGO, ILLINOIS

Reprint of
Social Service Monograph
The University of Chicago
1938



EDITORIAL NOTE

By
Grace Abbott
Professor of Public Welfare Administration
University of Chicago

Industry takes a heavy toll each year in legs and arms, hands and eyes, and even the lives of those it employs. Actuaries can predict the number of such accidents and the cost of compensation to the insurance companies. But the cost to the individual worker cannot be thus statistically estimated. There are losses to the individual worker which are not fully compensated from a money standpoint and others which cannot be expressed in that common denominator. It is especially difficult to assess the loss to the young worker who, before he understands the dangers and before he has acquired the skill and caution of the older worker, all too often finds himself, when his working life has hardly begun, handicapped by a permanent disability.

Social insurance in the form of Workmen's Compensation was expected to end the uncertainties of Employers' Liability and the consequent injustices to the injured worker. Moreover, because under the new system payments would be exacted for all accidents, it was hoped that employers would be induced to make vigorous efforts to prevent accidents. Unquestionably Workmen's Compensation is much better than the old common law system; but, also unquestionably in many states, of which Illinois is a conspicuous example, the law and its administration need to be greatly improved to realize the benefits which the compensation system should give. Too frequently compensation commissions, influenced by the lawyers who were members of the Commission when precedents were being established, and by those employed by insurance companies, have adopted a passive role and, like the Courts, assumed that the worker understands the law, knows his rights and has money to prosecute his claim and they have in consequence made little or no effort to assist him in securing his rights under the law.

Dr. Klein's report on his study of the records in the

files of the Illinois Industrial Commission, in the Health Department, in the County Hospital; and of the evidence obtained by interviews with the injured minors in Cook County reveals serious weaknesses in the Illinois law and in its administration.

Illinois has had a workmen's compensation law for a quarter of a century. It has been amended by one legislature after another with the Illinois State Federation of Labor urging improvement and simplification and the insurance companies opposing its recommendations. As a result, the law still has serious defects. Hearings before the Industrial Commission are needlessly technical. The worker who does not employ a lawyer has little chance of success in a contested claim. When he does employ a lawyer his choice is often ill advised. The lawyers frequently recommend, and the Commission approves, illegal settlements. Moreover, the Illinois Courts review not only questions of law but of fact, and the insurance companies know that frequent appeals to the Courts will result in general acceptance of the settlements offered. This administrative system is especially hard on the young workers. They have accumulated no savings, have had no experience with Commissions or lawyers, and to them an inadequate and illegal settlement seems satisfactory because they do not appreciate the full extent of the losses they have suffered and have never had at one time a sum so large as the pitifully small amount that is often offered them as compensation for a permanent disability.

Illinois has given some special but inadequate protection to its young workers. The Child Labor Law lists certain hazardous occupations in which they may not be legally employed. But the list is a very old one and does not include many occupations in which experience in Illinois and in other states shows the young worker cannot safely be employed. The Illinois Child Labor Committee sponsored a bill before the Legislature in 1937 which would have given greatly needed protection. Although this bill had the support of Mr. Martin Durkin, the Director of the State Department of Labor, it was defeated by opposing influences and the indifference of many legislators. The Federal Fair Labor Standards Act will eventually exclude young persons from hazardous occupations in industries whose products go into interstate commerce. But this is not enough. The Illinois law should be greatly strengthened.

The Illinois Compensation Law provides special protection for those who are illegally employed and who suffer work accidents. The legislature has directed that they receive extra compensation. But employment in Illinois is legal for young people which should not be legal and as Dr. Klein's study shows, the young workers are ignorant of their rights and easily imposed upon when the responsibility of establishing the illegality of their employment and the extent of their injury is left to them. The amount of their compensation is determined by their wages at the time of the accident and not, as in some states, by their probable future earnings. Medical care is not always given or is sometimes paid for by the public. Although the Illinois law as interpreted by the Supreme Court prohibits lump sum settlements for the payment of debts, the records reveal that such settlements are commonly approved for that purpose by the Commission. It feels no responsibility for protecting the injured young worker against complete loss of the sum which should go to him only. The Rehabilitation Service, administered by the Vocational Education Board, has the same passive attitude. If the injured minor knows of its services and comes to it with a plan for retraining, it will pay for the training but not for maintenance during the training period.

Dr. Klein's study was made when unemployment was at its peak in Illinois and the number exposed to work accidents and the number injured was in consequence much smaller than in normal years--but the numbers injured that year are an impressive argument for better protection and the case stories obtained by interviews with the injured minors illuminate the statistics and reveal the weaknesses in the law and its administration.

Minors cannot vote. They cannot be expected to present their case to the Legislature. But these handicaps should be their strength. The state owes to them the obligation of discovering their needs and seeing that they are given the special protection their youth and inexperience make necessary. The State has the power and duty of parens patriae to its minors. That Illinois has neglected to do what a "kind and wise father" would do to prevent physical injury to its young workers and to see that they are adequately compensated when they suffer an industrial accident Dr. Klein's study reveals. In this report the State has available the facts on the basis of which a program of action can be planned.

PREFACE

This study was undertaken in April, 1935, under the general supervision of Grace Abbott, Professor of Public Welfare Administration of the School of Social Service Administration of the University of Chicago. By its generous sponsorship and support the school made possible the investigation, the results of which are given here. Dorothy Ellis and Cecile Hillyer, who were employed as full time assistants during different phases of the study by the School of Social Service Administration, gave much help especially in the tabulation and preliminary analysis of the statistical data. In the autumn of 1935, the National Youth Administration approved the study submitted by the School as one of its projects at the University of Chicago and students on N.Y.A. scholarships assisted in the investigation. The study as such could not have been made without the cooperation of Martin P. Durkin, Director of the Illinois Department of Labor, and Peter J. Angsten, Chairman of the Illinois Industrial Commission, who made available the records of their agencies. John P. Leary, civil service clerk in charge of the Accident Report Division of the Industrial Commission, provided desk space in his office for more than four months and was very helpful in many ways throughout the study. Helpful assistance given by other public agencies and officials must also be acknowledged: Peter Swanish, Chief, Isabella Peacock and other employees of the Division of Statistics and Research of the Department of Labor; Dr. Herman E. Bundesen, President of the Chicago Board of Health; Mabel Toddriff Davis of the Work Certificate Department of the Chicago Board of Education; the Factory Inspection Division of the Illinois Department of Labor; the Cook County Clerk's office; the U. S. Children's Bureau; and others.

The author feels deeply indebted to Dean Edith Abbott of the School of Social Service Administration and to other members of its faculty. He is very especially indebted, however, to Professor Grace Abbott. She not only suggested this particular study but directed its course, shared her rich experience, and inspired the author's best efforts throughout its development.

TABLE OF CONTENTS

	Page
PREFACE	11
LIST OF TABLES.	v
 Chapter	
I. INTRODUCTION: NATURE AND SCOPE OF THE STUDY	1
II. THE ILLINOIS LAW AND COMPENSATION FOR WORK ACCIDENTS	7
A Brief History of Workmen's Compensation Legisla- tion in Illinois.	7
General Provisions of the Workmen's Compensation Act	14
Minors under the Illinois Compensation Law.	25
Provisions of the Workmen's Compensation Act	
Relating to Minors.	25
The Protection Afforded by the Child Labor Law	27
Illegally Employed Minors and the Compensation Law.	30
Administration of Extra Compensation Provisions.	41
III. ANALYSIS OF RECORDS OF ACCIDENTS FILED WITH THE IN- DUSTRIAL COMMISSION	51
Residence, Age, and Sex of Injured Minors	52
Industry or Occupational Group.	56
Extent and Duration of Disability.	60
Nature and Location of Injuries	70
Causes of Work Accidents to Minors in Illinois in 1933.	76
Minors Injured in Accidents Caused by Machinery.	76
Minors Injured in Vehicular Accidents	98
Other Causes of Accidents	109
Hours of Employment of Injured Minors	124
Total Amounts and Rates of Compensation.	125
IV. THE MINORS' ACCOUNT OF THEIR INJURIES AND COMPENSATION	137
Cook County Minors Interviewed.	138
Ages Reported by Employers and by Minors	140
The Minors' Knowledge of Their Legal Rights	146
Hazardous Conditions of Employment	150
How the Compensation was Expended.	152
V. COMPENSATION: PROCEDURES AND RESULTS	160
Medical Care.	160
Claim and Settlement Procedure.	173
Compensation Not in Accord with the Law or Not Paid.	188
Employment of Lawyers and Lawyers' Fees.	194
VI. CONCLUSIONS AND RECOMMENDATIONS	207
Summary of Findings and Conclusions	207
Recommendations.	218
Changes in the Workmen's Compensation Act.	218

TABLE OF CONTENTS (Continued)

Chapter	Page
Changes in the Child Labor Law	220
Administration of the Workmen's Compensation Act	220
APPENDIXES.	224
BIBLIOGRAPHY	249

LIST OF TABLES

Table	Page
1. Minors of Specified Age and Sex Injured in Work Accidents in Illinois in 1933, by Place of Residence at the Time of Accident	53
2. Number and Per Cent Distribution by Age of Minors Injured in Work Accidents in Illinois in 1933	57
3. Number and Percentage of Employed Minors Sustaining Injuries in Specified Industries or Occupational Groups in Illinois in 1933	58
4. Number of Employed Minors Sustaining Injuries in Specified Industries or Occupational Groups in Illinois in 1933, by Age Groups	61
5. Extent of Disability from Industrial Injuries to Minors of Specified Age and Sex in Illinois in 1933	62
6. Duration of Temporary Total Disability from Injuries of Specified Extent Sustained by Employed Minors in Illinois in 1933.	66
7. Extent of Disability from Injuries Sustained by Minors Employed in Specified Industries or Occupational Groups in Illinois in 1933	67
8. Duration of Temporary Total Disability from Injuries Sustained by Minors Employed in Specified Industries or Occupational Groups in Illinois in 1933.	68
9. Duration of Temporary Total Disability from Injuries Sustained in Work Accidents by Minors of Specified Age and Sex in Illinois, 1933	69
10. Nature of Injuries Sustained by Minors in Work Accidents in Illinois in 1933, by Sex.	71
11. Extent of Disability from Injuries of a Specified Nature Sustained by Employed Minors in Illinois in 1933	72
12. Location and Nature of Injuries Sustained by Employed Minors in Illinois in 1933	74
13. Number and Percentages of Minors Sustaining Injuries in Work Accidents in Illinois in 1933, by Specified Cause of Injury.	77
14. Manner of Occurrence of Machinery Accidents Sustained by Employed Minors in Illinois in 1933	79
15. Extent of Disability from Injuries Sustained by Employed Minors in Illinois in 1933, According to Specified Cause	81
16. Number of Minors Sustaining Injuries from Specified Types of Working Machines in Illinois, 1933	83

LIST OF TABLES (Continued)

Table	Page
17. Minors Sustaining Injuries in Work Accidents from Specified Causes in Illinois in 1933, by Age Groups .	84
18. Nature of Injuries Sustained by Employed Minors in Illinois in 1933, According to Specified Cause. . .	86
19. Duration of Temporary Total Disability from Injuries Sustained by Employed Minors in Illinois in 1933, According to Specified Cause	88
20. Manner of Occurrence of Vehicular Accidents to Employed Minors in Illinois in 1933, by Type of Vehicle	100
21. Working Hours Per Week of Minors Injured in Work Accidents in Illinois in 1933	126
22. Working Hours Per Day of Minors Injured in Work Accidents in Illinois, 1933	127
23. Total Amount of Compensation Granted to Minors Sustaining Disabilities of Specified Extent from Injuries Sustained in Work Accidents in Illinois in 1933 .	129
24. Total Amount of Compensation Granted to Minors Sustaining Injuries in Work Accidents in Illinois in 1933, by Specified Cause of Injury.	130
25. Rate of Compensation Granted to Minors Injured in Work Accidents in Illinois in 1933, Classified According to Average Weekly Wage	135
26. Minors Injured in Work Accidents in Illinois in 1933, Classified According to Age Reported in Records of the Industrial Commission, and Age as Stated in Interviews or as Subsequently Verified	144
27. Reported and Estimated Ages of Minors Injured in Work Accidents in Illinois in 1933, by Ages in Years.	145
28. Source of Interviewed Minors' Knowledge of Their Rights under the Illinois Workmen's Compensation Act.	147
29. Reasons Given in Lump Sum Settlement Petitions Filed with the Illinois Industrial Commission by Minors Injured in Work Accidents in 1933	187
30. Number of Interviewed Minors of Specified Ages Injured in Work Accidents in Illinois in 1933 Who Retained Lawyers to Prosecute Their Compensation Claims	197
31. Amounts and Percentages of Their Compensation Paid to Lawyers by Employed Minors Injured in Illinois in 1933, According to Type of Fee-Agreement Entered with Lawyers.	198
32. Industry or Occupational Group of Employed Minors Sustaining Injuries from Specified Causes in Illinois in 1933.	225

LIST OF TABLES (Continued)

Table	Page
33. Nature of Injuries Sustained by Employed Minors of Specified Age and Sex in Illinois in 1933.	226
34. Nature of Injuries Sustained by Employed Minors from Specified Cause or Type of Working Machinery in Illinois in 1933	227
35. Working Hours Per Week of Minors of Specified Age and Sex Injured in Work Accidents in Illinois in 1933	228
36. Working Hours Per Day of Minors of Specified Age and Sex Injured in Work Accidents in Illinois in 1933	229
37. Weekly Rate of Compensation Granted to Minors of Specified Age and Sex Injured in Work Accidents in 1933	230
38. Total Amounts of Compensation Granted to Minors of Specified Age and Sex Injured in Work Accidents in Illinois in 1933	231
39. Amounts of Compensation Granted to Employed Minors Sustaining Injuries of Specified Extent in Illinois, 1933	232
40. Average Weekly Wage of Minors of Specified Age and Sex Injured in Work Accidents in Illinois in 1933	233
41. Average Weekly Wage of Minors Injured in Work Accidents in Illinois in 1933, Classified by the Number of Working Hours Per Week	234
42. Amounts of Compensation Payable for Loss of, or for Permanent and Complete Loss of Use of Specified Body Members	237

CHAPTER I

INTRODUCTION: NATURE AND SCOPE OF THE STUDY

Selection of 1933 as the year for investigation, when this study was begun in the spring of 1935, was determined after conferences with and upon the advice of members of the staff of the Illinois Industrial Commission. When plans for the investigation were projected early in 1935, 1933 was the most recent year for which complete information was available in the files of the Industrial Commission. The selection of 1934 was deemed inadvisable because it was thought that not all reports for accidents occurring in 1934 had been filed and because it was known that many claims for injuries sustained in 1934 were still in the process of adjustment and settlement. The selection of 1933 also had merit in that it allowed for a lapse of time between the date of the injury and the contemplated interviews and so made possible an estimate of the probable economic and social effects of the injury on the individual minor. However, the level of employment in Illinois for 1933 showed only slight inclinations upward from the abysmal depths to which it had fallen in 1932 and in the spring of 1933, for while the average employment index for all reporting industries in Illinois was 60.6 for 1932 it was only 62.7 for 1933.¹ Naturally the incidence of industrial accidents in 1933 was correspondingly low due to the diminished exposure to the hazards of employment, making 1933 somewhat of an atypical year to select as one for a study of this type. As the figures given below indicate, though, the frequency of accidents showed a rise corresponding generally to the slight increase in employment in Illinois in 1933. Moreover, it should be noted that while the employment indexes for the first three months of 1933 were 55.6, 56.6, 55.8, respectively, a rise beginning in April continued until the levels of 70.6 and 70.4 were reached in September

¹Peter T. Swanish, Statistical Summary of Changes in Employment . . . during 1936, Mimeographed Report, Division of Statistics and Research, Illinois Department of Labor, 1937.

and October.¹ There were declines in November and December to 68.6 and 68.0, respectively.²

The Illinois employment experience corresponded in direction to that shown by eighty-nine principal manufacturing industries in the United States. For the latter the average annual employment indexes, as computed by the United States Bureau of Labor Statistics, were 60.1 and 64.6 for 1932 and 1933, respectively.³

The employment indexes for all reporting industries in Illinois for several years on either side of 1933 were as follows: 1929, 101.0; 1930, 89.3; 1931, 75.0; 1932, 60.6; 1934, 71.4; 1935, 74.0, and 1936, 80.0.⁴ The following figures for the total number of industrial accidents occurring in Illinois to persons of all ages in corresponding years show relatively the same up and down movements that are shown by employment: 1929, 56, 167; 1930, 42, 336; 1931, 33, 167; 1932, 25, 462; 1933, 27, 207; 1934, 31, 749; 1935, 34, 481 (cases reported during the year irrespective of the year of occurrence); and 1936, 40, 567 (cases reported during the year irrespective of the year of occurrence).⁵

As early as 1925, the Bureau of Industrial Accidents and Research, then under the jurisdiction of the General Advisory Board of the Department of Labor, published a series of monthly statistics on accidents to minors under eighteen years of age.⁶

¹Illinois Department of Labor, Division of Statistics and Research, unpublished material.

²Ibid.

³"General Index Numbers of Employment and Pay-Roll Totals in Manufacturing Industries," Monthly Labor Review, XXXVIII (February, 1934), 390.

⁴Swanish, Statistical Summary of Changes in Employment . . . during 1936, Mimeographed Report, Division of Statistics and Research, Illinois Department of Labor, 1937.

Illinois Department of Labor, Thirteenth Annual Report, 1930 (Springfield: Journal Printing Co., 1931), p. 106.

⁵Swanish, The Costs of Industrial Accidents in Illinois for the Year 1932, Mimeographed Report, Division of Statistics and Research, Illinois Department of Labor, December 27, 1935.

Swanish, The Costs of Industrial Accidents in Illinois for the Year 1933, Mimeographed Report, Division of Statistics and Research, Illinois Department of Labor, June 15, 1936.

Swanish, unpublished figures for 1934, 1935, and 1936 in his possession as Chief of the Division of Statistics and Research of the Illinois Department of Labor.

⁶Illinois Department of Labor, The Labor Bulletin, July, 1927, p. 3; August, 1929, p. 27.

The Bureau was placed under the jurisdiction of the Industrial Commission on July 1, 1927,¹ where it remained until July 1, 1931. During this period much interest in industrial accidents was shown by the Illinois Bureau of Labor Statistics. In 1931, it became the Division of Statistics and Research of the Department of Labor, partly due to the desire of responsible officials to coordinate the statistical activities of the several divisions of the department of labor.² For some time after this organizational change the officials of the Industrial Commission were said to have merely tolerated in its offices the presence of the clerks of the Division of Statistics and Research who copied the crude data necessary for the preparation of accidents statistics.³ Such an uncooperative attitude was engendered, according to persons then close to the situation, by the interest of Miss Miriam Noll and other members of the Division of Statistics and Research in protecting the rights of injured persons. Notwithstanding the difficulties of their collection, accident statistics relating to injured children and young people were published by the Division of Statistics and Research until early in 1933. From that date until 1935 no accident statistics whatsoever were published, while since 1935 no statistics specifically concerned with accidents to minors have been developed either by the Division of Statistics and Research or the Industrial Commission.

The annual statistical summaries of industrial accidents to minors under eighteen years of age, published in The Labor Bulletin⁴ in April of each year from 1927 to 1932, were based upon the Industrial Commission's records of accidents reported during the preceding calendar year. Late in 1927, a report of a study of accidents to minors under eighteen years of age was published by the Illinois Bureau of Labor Statistics.⁵ It was based upon an examination of the records in each case and upon "personal inter-

¹Ibid., July, 1927, p. 3.

²Ibid., May, 1931, p. 206.

³A law passed in 1937 gives the Division of Statistics and Research "free and unhindered access to all records of all the divisions of the Department of Labor, for the purpose of collecting . . . and diffusing, statistical and other information." See Illinois Revised Statutes, 1937, chap. 127, sec. 43 (17).

⁴The Illinois Department of Labor published The Labor Bulletin monthly as successor to The Employment Bulletin from 1923 to 1933.

⁵Miriam Noll, Accidents to Employed Minors in Illinois, Illinois Bureau of Labor Statistics, Bulletin No. 1 (Chicago: Illi-

views by agents of the Bureau of Labor Statistics made in 159 cases of serious injury throughout the State."¹ The publication and analysis of statistics of accidents to employed children and young persons made while Sidney W. Wilcox, now Chief Statistician of the Bureau of Labor Statistics of the U. S. Department of Labor and Howard B. Meyers, at present Director of Social Research of the Works Progress Administration, were respectively the Directors of the Illinois Bureau of Labor Statistics (April, 1927, to August, 1929, and September, 1929, to October, 1933), were until 1933 a laudable feature of that agency's activities. Miriam Noll, who was "Editor of Reports" prior to and throughout Mr. Wilcox's administration and during most of that of Mr. Meyers, was in immediate charge of the development and analysis of statistical information on accidents to minors. Since her dismissal, when with a change of political parties in 1933 all employees in the Division of Statistics and Research who did not have civil service status were discharged, comparable responsibilities relating to injured minors have not been assigned to another employee of the division and consequently no separate statistics for administrative or other purposes have been available.

The scope of the present study is more inclusive than Miss Noll's in several respects; first, accidents to all minors under twenty-one years of age instead of accidents to those under eighteen were included; second, minors suffering any type of injury were interviewed instead as in Miss Noll's study only those whose injuries were of a "serious" nature. This meant that interviews were obtained for 530 accidents instead of only 159. It should be noted, however, while all the minors interviewed in this study were, with one exception, residents of Cook County, the 159 young persons interviewed by Miss Noll's investigators were scattered in twenty-three cities and towns as well as in Chicago and its suburbs. Further, as children illegally employed in Illinois in 1923 were not included under the benefits of the Workmen's Compensation Act and as the latter required that accidents be reported only when they were compensable, the number of accidents to minors reported to the Industrial Commission and available for the study of Accidents to Employed Minors in Illinois made by the

nois Department of Labor, 1927). Its publication was announced for the first time in the December, 1927 number of The Labor Bulletin.

¹Ibid., p. 3.

Bureau of Labor Statistics in 1923 in no comprehensive sense represented the number of young workers that were actually injured. However, an inadequate reporting system in 1923 showed 1,803 accidents to minors under eighteen years of age, while in 1933 only 1,233 accidents to minors under twenty-one years of age were reported, when illegally employed minors were within the scope of the Workmen's Compensation Act and reporting of accidents to them was required by law. Neither the 1933 figure nor any later figure gives the total number of accidents to minors since those to children who are classed as self-employers, for example, newsboys, or those who are employed in agricultural pursuits are not reportable.

This study of accidents to employed minors in Illinois in 1933 is based upon information from two major sources: (1) the records of the Illinois Industrial Commission, (2) interviews with the injured minors or persons closely related to them. Information on the official records of every accident occurring in 1933 to a person under twenty-one years of age which was compensable under the Illinois Workmen's Compensation Act was copied¹ from accident reports and other records on file at the Industrial Commission. From these reports information was obtained concerning the date, time, and place of occurrence of the accident; the name, age, and address of the injured minor; the cause, nature, and extent of the injury; the duration of the disability suffered and the amounts of compensation paid; the manner of adjustment of compensation claims; and other data. Injured minors living in Cook County were interviewed,² birth and employment certificates were checked, and the administration of the Workmen's Compensation Act was studied. In interviews with the injured minors, accounts were obtained concerning many of the same items for which data were copied from the Industrial Commission records as a check on the reliability of the latter. In addition, however, information was obtained concerning the minor's knowledge of his rights; his employment history; his experience in the collection of compensation, for example, the costs in the nature of attorney fees; how compensation was expended; the adequacy of medical care; and the minor's general adjustment since his injury.

Information in the records at the Illinois Industrial Com-

¹See p.247 for copy of the schedule used.

²See p.248 for copy of the schedule used.

mission was copied by and the home visits to injured minors were made by advanced graduate students in the School of Social Service Administration of the University of Chicago who had experience either in social case work or field work training in social case work.

The primary objective of this study was to obtain information concerning the injured minors themselves, the causes, nature, and the extent of their injuries, the amount of compensation they received and how they spent it, and the social and economic effects of the injuries, and on the basis of these facts to determine whether the working children and young people were adequately protected by the law and administrative procedure adopted for its enforcement.

Before presenting the data and the analyses resulting from the investigations made in connection with this study of accidents to employed minors in Illinois in 1933, a brief historical account of compensation for industrial accidents in Illinois will be given and the provisions of the Illinois Workmen's Compensation Act will be described and analysed.

CHAPTER II

THE ILLINOIS LAW AND COMPENSATION FOR WORK ACCIDENTS

A Brief History of Workmen's Compensation Legislation in Illinois

Prior to May 1, 1912, when Illinois' first Workmen's Compensation Act came into force, the common law rules of employers' liability followed in Illinois in cases of personal injuries sustained by workers in employment accidents. Until this compensation law was enacted in 1911, Illinois had enacted no comprehensive statute, comparable with the Gladstone Act of 1880 and the compensation law of 1897 in England, which abrogated the common law rule and which defined the law of employers' liability for industrial accidents and the legal rights of employees for recovery of damages for personal injuries.¹ With few exceptions employees in Illinois were without remedy against employers because of employment injuries other than that afforded by the rules of common law. The first of the laws which tended to mitigate the harshness of the common law procedures, entitled "an act requiring compensation for causing death by wrongful act, neglect or default"² and passed in 1853, gave to the surviving widow, or person next of kin, of a person whose death was caused by a wrongful act, neglect or default of a person, company, or corporation, the right of action for damages not exceeding \$5,000. The amount recoverable was increased to \$10,000 in 1903, but the time allowed for filing suit was decreased from two years to one year.³ In 1869 an act requiring the boxing of tumbling rods on threshing machines and corn shellers was passed.⁴ Failure to comply with the provisions of this act made the employer liable to the person

¹Samuel A. Harper, The Law of Workmen's Compensation (2d ed.; Chicago: Callaghan & Co., 1920), p. 9.

²Illinois Session Laws, 1853, p. 97.

³Illinois Session Laws, 1903, pp. 217-18.

⁴Illinois Session Laws, 1869, p. 254.

injured by his neglect. The effectiveness of this law was almost nullified by a decision of the Appellate Court in 1882 which ruled that negligence on the part of the employee was a bar to action even though the employer had not provided guards on the machines as required by the statute.¹ In 1872 the first of a series of mining laws, providing for "the health and safety of persons employed in coal mines," for reporting of mine accidents to a state official, and giving the right of action for injury or death caused by a willful violation of the act, was passed.² Amendments to the original act and other liability and protective mining laws were enacted in 1873, 1877, 1879, 1883, 1887, 1899, and other years.³

At the common law, both in England and in this country, since the Priestly-Fowler decision in 1837,⁴ the legal relation of employer and employee, with regard to the former's liability for injuries suffered by the latter, has been governed by certain principles generally referred to as the duties and defenses of the master or employer. Thus, it was the duty of the employer to use ordinary and reasonable care for the safety of his employees while they were doing their work. However, the employer had, in the case of injury or death of an employee, the protection of certain common law defenses known as the doctrines of: (1) Fellow Servant, (2) Assumption of Risk, (3) Contributory Negligence. The Illinois Courts affirmed the availability of these defenses to employers in a number of decisions.⁵ Concisely stated, under these common law rules an employee, or his dependent heirs in the

¹Wabash, St. Louis and Pacific R. Co. v. Thompson, 10 Ill. App. 271 (1882).

²Illinois Session Laws, 1871-72, pp. 237-42.

³Illinois Session Laws, 1873, 1877, 1879, 1883, 1887, 1899. Also, The Centennial History of Illinois (Chicago: A. C. McClurg & Co., 1922), V, 175-77, 182, and Earl R. Beckner, History of Illinois Labor Legislation (Chicago: The University of Chicago Press, 1929), pp. 292 ff.

⁴Priestly v. Fowler, 3 Meeson and Welsby, Exchequer Reports I (1837). See also, Murray v. S. Carolina Ry. Co., McMullan's Law 385 (1841); Farwell v. Boston and Worcester R. Corp., 4 Metcalf's Reports 49 (1842); Honner v. Illinois Central R. Co., 15 Ill. 550 (1854).

⁵Honner v. Illinois Central R. Co., 15 Ill. 550 (1854); The Columbus, Chicago & Indiana R. Co. v. Nicholas Troesch, 68 Ill. 545, 546 (1873); Henry Baier et al v. Fred Selke, 211 Ill. 512 (1904); Wells v. O'Hare, 209 Ill. 627 (1904); Schillinger Bros. Co. v. E. E. Smith, 225 Ill. 74 (1907); Chicago and Alton R. Co. v. Murphy, 53 Ill. 336, 339 (1870).

case of his death, in order to collect damages for injury or death had to prove: (1) that the employer was negligent in the performance of certain duties; (2) that no fellow employee contributed to the cause of injury; (3) that the dead or injured employee in no way contributed to the cause of the injury.

Theoretically the common law recognized an obligation of the employer to provide indemnity, but in practice it gave little protection to the employee or his dependents. In only a small percentage of all accidents were employees able to win action for damages before courts. The common law was unsatisfactory to the employee, was costly to the state, and because of the uncertainty of payments was objectionable to some employers. However, the agitation for the mitigation of the common law defenses and for accident compensation in Illinois was carried on mainly by organized labor through the Illinois State Federation of Labor and the Chicago Federation of Labor.¹

On May 5, 1905, the General Assembly of Illinois responded to pressure of the friends of the compensation movement by passing a resolution authorizing the Governor to appoint a "commission consisting of five representative men . . . to thoroughly investigate and report to the Governor the draft of a bill providing a plan for industrial insurance and workingmen's old age pension. . . ." ² In its Report, filed in 1907, this commission opposed severe liability laws and advocated industrial accident insurance organized primarily by mutual casualty insurance companies and societies (i.e., trade unions). ³ In keeping with its views it drafted and recommended for action by the legislature a voluntary insurance measure incorporating certain ideas of the British workmen's compensation act and the German workingmen's accident insurance laws, but essentially like the British law. This bill was killed at the 1907 session of the General Assembly due to the opposition of the trade union representatives who were at that

¹Beckner, op. cit., pp. 429, 437; A. E. Staley, History of the Illinois Federation of Labor (Chicago: The University of Chicago Press, 1929), especially pp. 26, 33, 142-43, 155, 247, 255-60, 270-71.

²House Journal of Illinois, 1905, pp. 753, 1075 and Senate Journal of Illinois, 1905, pp. 1002-1003.

³Illinois Industrial Insurance Commission, Report to the Governor of Illinois (Springfield: Phillips Bros., 1907), pp. 4, 7, 10.

time unitedly determined to secure a severe liability law.¹ However, two of the specific recommendations of the commission were adopted by the legislature: (1) the requirement that manufacturers should report all serious accidental injuries to the Illinois Bureau of Labor Statistics, (2) the creation of a new commission to study the questions relating to industrial diseases.²

The tragic disaster in the coal mine at Cherry, Illinois, in November, 1909, which cost the lives of 258 men, shockingly dramatized the inadequacies of liability procedures under common law rules and crystallized public sentiment in favor of a general compensation act.³ In February, 1910, the General Assembly passed an act which created an Employers' Liability Commission of twelve members and appropriated \$10,000 for its expenses.⁴ Information obtained in a number of field investigations made under its direction afforded the Employers' Liability Commission a factual basis for concluding that the existing

system was unjust, haphazard, inadequate, and wasteful, the cause of enormous suffering, of much disrespect for law and of a badly distributed burden upon society.⁵

Nevertheless, as its members were unable to agree on a compensation bill drafted by its attorney, Samuel A. Harper, the Commission expired without making a positive recommendation. However, a voluntary commission continued where the Employers' Liability Commission left off and prepared the draft of a compulsory type of compensation bill which Governor Deneen sent to the Senate on March 2, 1911, with a brief message urging its favorable consideration.⁶ After the New York Court of Appeals handed down a decision which declared the workmen's compensation bill enacted in that state in 1910 unconstitutional because of its compulsory application to enumerated industries,⁷ the Illinois Legislature,

¹C. R. Henderson, "Workman's Insurance in Illinois," Publications, American Economic Association, IX (1908), 183-98.

²American Association for Labor Legislation, Proceedings First Annual Meeting (1907), pp. 69-84.

³Illinois Employers' Liability Commission, Report, 1910, pp. 142-43, 237.

⁴Illinois Session Laws, 1910, pp. 1-2.

⁵Illinois Employers' Liability Commission, Report, 1910, p. 19.

⁶Senate Journal of Illinois, 1911, pp. 384-85.

⁷Ives v. Buffalo Railway Co., 201 N.Y. 271 (1911).

fearful of a similar decision by the Illinois Courts, passed a bill which was more optional in its provisions than the recommended draft.¹ Thus came into being Illinois' first Workmen's Compensation Act on May 18, 1911.² It came into force on May 1, 1912.

Although its enactment marked a definite step forward, the Workmen's Compensation Act of 1911 was a failure in practice because no provision was made for its enforcement and administration. Consequently it was repealed by the Workmen's Compensation Act of June 28, 1913, which remedied the glaring weakness of earlier law. The Act of 1913, although amended in nearly every session of the General Assembly since its passage, was in 1933 and is at the present time the workmen's compensation law of Illinois. The most significant amendments were those made in 1917, which changed the Act from an elective law to one compulsory in character. Significant amendments affecting minors were passed in 1927 and 1931.³ In 1927 illegally employed minors were brought within the scope of the Workmen's Compensation Act and additional compensation was provided for them, or their dependents in case of their death. In 1931 an amendment gave to illegally employed minors, or persons acting in their behalf, a choice of remedies under the law.

The immediate stimulus for changing the Illinois Workmen's Compensation Act from an elective to a compulsory measure was given by the United States Supreme Court, which in three separate decisions on March 4, 1917, declared that state legislatures were acting within their constitutional powers in enacting compulsory workmen's compensation statutes.⁴ Soon after these decisions were announced, the Industrial Board of Illinois called a joint committee of employers and employees to consider appropriate legislation.⁵ A compulsory measure, as amendments to the existing

¹House Journal of Illinois, 1911, compare pp. 385-92 with pp.1291-96.

²House Journal of Illinois, 1911, p. 1169; Senate Journal of Illinois, 1911, p. 1441.

³The position of the illegally employed minor sustaining industrial injuries in Illinois is discussed in Chapter II, p.25 ff.

⁴N. Y. Central v. White, 243 U. S. 188 (1917); Hawkins v. Bleakly, 243 U. S. 210 (1917); Mt. Timber Co. v. State of Washington, 243 U. S. 219 (1917).

⁵Beckner, op. cit., p. 464.

act, was agreed upon and subsequently introduced in the General Assembly. These amendments, passed with little opposition, were approved by Governor Lowden on June 25, 1917, and came in force on July 1, 1917.¹ The Governor had urged the passage of the compulsory amendments in a special message to the General Assembly on June 4, 1917, saying in part: "In industrial occupations the loss of life or limb or other personal injury of the employed should be regarded as a factor in the cost of production. Compensation for such loss should be borne by the industry and not by the individual."²

In upholding the compulsory features of the Act in G.T.W.R.R. Co. v. Industrial Commission,³ the Supreme Court held that the Act properly rested upon the police power of the state, that the police power under which reasonable regulations touching the health and safety of employees are made, is a power inherent in every sovereignty and that the public has a direct interest in respect to compensation for human life lost or disability incurred in the course of hazardous employment and for that reason, it is proper to restrict the right to contract with reference to this subject, as it affects the common welfare. The court also held that the legislature has the power to bring extra-hazardous employments under the Act without election and that the Act is not subject to the objection that the employer is deprived of his property without due process of law, declaring that, "the whole doctrine of employers' liability for negligence with its defense of contributory negligence, fellow servant's negligence and assumption of risk is based upon fiction and is inapplicable to modern conditions of employment."

An Occupational Disease's Act,⁴ providing a "right of action" for injury to health or death caused by employment in specified occupations in violation of safety provisions of the law, was enacted in 1911.⁵ The State Department of Factory Inspection was

¹ Illinois Session Laws, 1917, p. 507.

² House Journal of Illinois, 1917, p. 1208.

³ 291 Ill. 167 (1919).

⁴ Consideration of the occupational disease legislation in Illinois is limited in this study to a brief historical statement because only two, possibly only one, of the 1,233 compensable accidents to minors in Illinois in 1933 are classifiable as occupational disease cases.

⁵ Illinois Session Laws, 1911, pp. 330-35. In the case of death a maximum of \$10,000 could be recovered as damages.

designated as the enforcement agency. An amendment to the Occupational Disease's Act, passed in 1921, provided that disability or death caused by occupational disease arising out of or in the course of employment in one or more of the occupations enumerated in section 2 of the Act was to be treated as an accidental injury and compensated in accordance with the provisions of the Workmen's Compensation Act. This amendment also provided that common law or statutory rights, except as provided in the Workmen's Compensation Act, to recover damages for injuries from occupational diseases were not to be available to employees in occupations listed in section 2. However, the right of action was still available to an employee who sustained disability or death from occupational diseases in non-specific employments covered by section 1 of the Occupational Diseases Act.

Early in 1923 the Illinois Supreme Court held that the amendment of 1921 was a violation of section 13 of article 4 of the State constitution, which provides that: "No law shall be revised or amended by reference to its title only, but the law revised, or the section amended, shall be inserted in the new act. . . ."¹ In its decision the Court reasoned that as the act of 1921 was "an attempt to amend the existing law by intermingling the new and different provisions with the old one" without conformity to the technical amending process defined by the constitution, it was, therefore, unconstitutional. The door for accomplishing the amendment's purpose was not closed, however, by this decision, as the Court did not hold that an occupational disease could not be brought under compensation the same as accidental injuries. Therefore, the Legislature rather quickly countered with an amendment alike in content but minus its defects.² When its constitutionality was attacked upon the basis of section 13 of article 4 of the State constitution in 1928, the Court held the amendment of 1923 valid.³

On April 17, 1935, the Illinois Supreme Court held section 1 of the Occupational Diseases Act and sections 12 and 13 of the Health, Safety, and Comfort Act invalid for "vagueness, in-

¹Kelley v. The St. Louis Smelting and Refining Co., 307 Ill. 367 (February 21, 1923).

²Illinois Session Laws, 1923, pp. 351-53. This amendment was approved June 21, 1923.

³Zurich General Accident Company v. Illinois Industrial Commission, 331 Ill. 576 (October 25, 1928).

definiteness, and uncertainty," and for an attempted delegation of legislative power.¹ The practical effect of this decision was to remove from the Occupational Diseases Act a basis for suit for damages. After this decision had been announced another employee of the Libby-Owens-Ford Glass Company sought to recover damages for an occupational disease known as pneumoconiosis, basing his claim entirely upon the common law-particularly on the common law rule that an employer must furnish his employee a reasonably safe place in which to work. In this case the Supreme Court held that as "the matter of occupational diseases has neither common law, history, nor origin,"² the injured employee had no remedy under common law procedure. A completely new law known as the "Workmen's Occupational Diseases Act," repealing in its entirety the 1911 occupational diseases law, was passed in 1936.³ The compensation benefits and administrative features of this law are modeled after the Workmen's Compensation Act. It, too, is administered by the Industrial Commission.

General Provisions of the Workmen's Compensation Act⁴

Coverage and Benefits Provided

Employments covered.⁵ --The State and all political subdivisions thereof engaged in any of the extra hazardous businesses or enterprises enumerated in section 3 of the Act and all other employers engaged in such businesses or enterprises are automatically subject to the provisions of the Workmen's Compensation Act of Illinois. Any employer in the State who does not come within the classes enumerated may elect to provide and pay compensation for accidental injuries sustained by any employee according

¹James Parks v. The Libby-Owens-Ford Glass Co., 360 Ill. 130 (April 17, 1935).

²McCreery v. Libby-Owens-Ford Glass Co., 363 Ill. 321 (1936).

³Illinois Session Laws, 1936 (3d Special Session), pp.40-74 (Approved March 16, 1936, effective October 1, 1936).

⁴References to sections of the Illinois compensation law in this study are to the "enactment" sections, 1 through 34, of the Workmen's Compensation Act as approved June 28, 1913, and as amended to 1937. They may be conveniently found in the Illinois Revised Statutes, 1937 (State Bar Ass'n. Ed., Chicago: Burdette Smith Co., 1937), chap. 48, secs. 138-72, or in other editions of the Illinois statutes (see bibliography).

⁵Illinois Workmen's Compensation Act, secs. 1-5.

to the provisions of the Act. Farm work of any kind or description is specifically exempted from the provisions of the Act.

Compensation for death.--The amount of compensation for injury resulting in death, payable to totally dependent survivors, is a sum equal to four times the average annual earnings of the employee, but not less than \$2,500 nor more than \$5,500.¹ Proportionately decreased amounts are payable to survivors who at the time of the accident were partially dependent upon the earnings of the employee.² Where the latter provision applies the minimum compensation payable is \$1,000, while the maximum is limited to \$3,750.

In the event the employee leaves no surviving dependents or heirs, the employer is required to pay for burial expenses a sum not to exceed \$150. In addition he is required, in such cases, to pay \$600 into a special disability fund kept by the state treasurer from which on order of the Industrial Commission additional compensation is payable to permanently disabled employees where the total disability was caused by a second injury.³

Compensation in non-fatal injuries.⁴--Compensation equal to fifty per cent⁵ of the average yearly wage, but not less than \$7.50 per week nor more than \$15.00 per week,⁶ is payable for injuries resulting in temporary total incapacity for work. The primary fifty per centum is increased, however, by five per cent for each child of the injured employee under sixteen years of age until a maximum rate of sixty-five per cent is reached. No compensation is payable for the first seven days (six working days) of disability unless the disability continues for a period of more than thirty days after the date of injury.

Permanent partial injuries are compensated, with the exception of disfigurement, according to a schedule of specified

¹Ibid., sec. 7(a), (b), and (h).

²Ibid., sec. 7(c).

³Ibid., secs. 7(e) and 8(f).

⁴Ibid., sec. 8.

⁵Thirty-one states provide a total disability benefit of 60 per cent or more than 60 per cent of weekly wages, sixteen of these provide 66 2/3 per cent while Wisconsin gives 70 per cent. See Barbara N. Armstrong, Insuring the Essentials (New York: Macmillan Co., 1932), pp. 258, 652-57.

⁶Twenty-six states provide for a maximum weekly benefit in temporary total disability of between \$15.00 and \$20.00, while sixteen states provide \$20.00 or more and Arizona has no maximum limit. See Armstrong, op. cit., p. 259.

benefits. This schedule¹ provides for the payment of 50 per cent of the average weekly wage for a specified number of weeks for the loss of or loss of the use of a specific body member.² Serious and permanent disfigurement to the hand, head, face, or neck entitles an employee to compensation for such disfigurement, the amount being fixed by agreement or arbitration.³ Compensation for any temporary total disability resulting from a permanent partial injury is payable in addition to any specific award for such injury.

For permanent total disability, compensation equal to 50 per cent of the earnings, but not more than \$7.50 nor less than \$15.00 per week, is payable until the amount paid equals the amount which would have been paid as a death benefit.⁴ Thereafter, an annual pension, equal to either eight or twelve per cent of the amount which would have been payable as a death benefit, is payable during life in monthly installments.

All the necessary medical, surgical, and hospital services reasonably required to cure or relieve from the effects of any injury must be provided by the employer. The employee may elect his own physician or hospital only at his own expense.

Payment of compensation.--The Workmen's Compensation Act provides for the payment of compensation in installments at the same intervals at which wages or earnings of the employee were paid at the time of injury, or in weekly installments if the latter is not feasible.⁵ However, any employer or employee or beneficiary may petition the Industrial Commission for payment of compensation in a lump sum.⁶ In such cases the law stipulates that the Commission may approve the petition only if it appears to be to the best interests of the parties that compensation be so paid. The payment of compensation in a lump sum in accordance with a formal agreement known as a "settlement contract," when the latter and the lump sum payment are approved by the Industrial Commission, precludes further review by the Commission of the case set-

¹See p. 237 for a summary of this schedule.

²Illinois Workmen's Compensation Act, sec. 8(e).

³Ibid., sec. 8(c).

⁴Full compensation is payable for life in 9 states (See Armstrong, op. cit., pp. 259, 652-57).

⁵Illinois Workmen's Compensation Act, sec. 7.

⁶Ibid., sec. 9.

tled in that manner, except in case of fraud,¹ or upon the petition of dependent survivors of an employee who had during his life time made this type of settlement for the injury which subsequently caused his death.²

In cases of unreasonable delay in payment, underpayment, or non-payment of compensation, the Industrial Commission may award additional compensation equal to fifty per cent of the amount payable at the time of an award.³ Moreover the Commission may refer cases of non-payment of compensation to the Attorney General.⁴

In order to secure payment of compensation the Workmen's Compensation Act requires employers who come under its provisions to insure their entire compensation liability or to furnish satisfactory evidence of their financial ability to pay compensation.⁵ A certificate of compliance is issued if the Commission approves of the material of the sworn statement of the employer. Failure to comply with these provisions is deemed a misdemeanor, which offense is reportable to the Attorney General for prosecution.

Fees for services.--The Industrial Commission is given the power to determine the reasonableness and fix the amount of any fee charged by any person, including attorneys, physicians, surgeons and hospitals, for any service performed in connection with the Act, for which payment is made under the Act or for any service rendered in securing any right under the Act.⁶ Either the employer, employee, or beneficiary affected may request the Industrial Commission to review and determine the fees for services in connection with the Act.⁷

Statute of limitations.--Claim for compensation must be made within six months after the accident.⁸ In any case, claim is barred unless the application is filed with the Industrial Commission within one year after the date of injury or within one

¹Ibid., sec. 19(h).

²In the American Steel Foundries v. the Industrial Commission, 361 Ill. 582 (1935), the court held that a widow was entitled to recover the difference between the sum paid to her husband in a lump sum in accordance with a settlement contract and the amount payable as the death benefit.

³Illinois Workmen's Compensation Act, sec. 19(k).

⁴Ibid., sec. 33.

⁵Ibid., sec. 26.

⁶Ibid., sec. 16.

⁷Ibid., sec. 19(c).

⁸Ibid., sec. 24.

year after the date of the last payment of compensation. However, it is provided that no limitations of time specified by the Act shall run so long as an employee, adjudged mentally incompetent is without conservator or guardian.¹ In ruling on the latter provision of the Workmen's Compensation Act, the Illinois Supreme Court has declared that a minor was incompetent in the meaning of the provision and further held that the limitation of time provided by the Act does not hold against the rights of a minor so long as he is without a guardian.²

Reporting of accidents.--Employers within the provisions of the Act are required to report all fatal accidents in writing immediately and all non-fatal accidents, for which compensation is payable, between the fifteenth and the twenty-fifth of each month to the Industrial Commission on forms provided or prescribed by it.³ The accident report forms prescribed by the Commission require detailed information, much of which is stipulated in the Act itself,⁴ concerning the date and time of injury, the nature of the employer's business, the name, address, age and sex of the injured person, the cause, nature and extent of the injury, the amount of compensation paid, the amount paid for medical services and other information.

The Industrial Commission

General powers.--Responsibility for the administration of the Workmen's Compensation Act is vested in a commission of five members appointed by the Governor, by and with the consent of the Senate.⁵ Since the reorganization of the State government into nine administrative departments under the Civil Administrative Code, effective July 1, 1917, this commission has been a somewhat autonomous division of the Department of Labor and has been known as the "Industrial Commission." The only qualifications required by the statute for its membership are that two members shall be representative citizens identified with the employing class, another two with the employee class, and the fifth member shall not be identified with either the employers or employees. The Gover-

¹Ibid., sec. 8(h).

²Walgreen Co. v. Industrial Commission, 323 Ill. 194 (1926).

³Illinois Workmen's Compensation Act, sec. 30.

⁴Ibid.

⁵Ibid., sec. 13.

nor is required to designate the "neutral" member as the chairman. There is now no requirement concerning a division of political party representation on the Commission, such as was the case prior to 1917.

The Industrial Commission is empowered to adjust disputes between employees and employers in compensation matters and to award or deny compensation in accordance with the provisions of the Workmen's Compensation Act.¹ It has the power to appoint arbitrators, or committees of arbitration,² who hear evidence and make awards in disputed cases under its direction. It is required to review decisions of arbitrators or committees of arbitration upon petition of the parties, acting in such cases as the agency of first appeal.³ The Commission also has the power to approve settlements waiving provisions of the Act, when it appears to the Commission to be to the best interests of the parties to do so.⁴

The Industrial Commission has the power to administer oaths, to issue subpoenas for materials or persons, to require testimony, and to inspect premises.⁵ It may, in its discretion, destroy all papers and documents which have been on file for more than five years and where there is no claim for compensation pending, or where more than two years have elapsed since the termination of the compensation period.⁶ It has the power to make and to publish rules and orders for carrying out the provisions of the compensation law⁷ and has published, in accordance with this grant, Rules Governing Practice Before the Industrial Commission of Illinois,⁸ which contains forty-two administrative regu-

¹Ibid., secs. 13, 19.

²In practice committees of arbitration are seldom requested by employees or employers.

³Illinois Workmen's Compensation Act, sec. 19. The Circuit Court is empowered by the Workmen's Compensation Act to review all questions of law and fact in the record of decisions made by the Industrial Commission. Appeals from the Circuit Court are heard by the State Supreme Court, Illinois' highest tribunal.

⁴Illinois Workmen's Compensation Act, secs. 18, 23.

⁵Ibid., sec. 16.

⁶Ibid., sec. 17.

⁷Ibid., sec. 16.

⁸Illinois Industrial Commission, Rules Governing Practice Before the Industrial Commission of Illinois, effective July 1, 1934. These rules were virtually in effect in 1933, but were unpublished. Their publication in 1934 was pursuant to an amendment to the Workmen's Compensation Act in 1933, which required the Industrial Commission to publish such rules.

lations. Eleven of these rules¹ pertain to compensation insurance and are designed to effect increased security for the payment of compensation to injured employees; for example, one of these requires all self insurers to file quarterly reports which show the total amount paid to injured employees during the preceding quarter and the total expense or total disbursements made by such employer for medical and surgical services furnished by him during such quarter, together with such other information as may be necessary to show the current financial condition of the employer and the amount of funds on deposit in any trust fund.² Other administrative rules pertain to procedures in arbitration hearings,³ lump sum payment petitions,⁴ the conduct of attorneys who practice before the Commission,⁵ and other matters.

Administrative organization.--The Chairman of the Industrial Commission, together with the other four Commissioners, is responsible for its administrative organization and functions. However, the administrative management is directed by the Chairman through five administrative divisions, while the other Commissioners are occupied day by day, either individually or as committees of three, mainly with reviewing arbitration decisions and awards and with conducting hearings on petitions for approval of compromise settlements, lump sum payments, and on other subjects as required by the compensation law. Two general administrative assistants, a "secretary" and an "assistant secretary," are authorized by the Workmen's Compensation Act. These secretaries have supervision over the clerical staff of the Industrial Commission and custody over its records.

Five administrative divisions have been organized by the Industrial Commission to carry on its work. First, there is an Arbitration Division comprised of eleven arbitrators, who hear disputes and award compensation subject to review by the Commissioners. Six or seven arbitrators are usually allocated to Chicago and hearings are held before them on five days of the week. The other arbitrators are assigned to hold hearings on cases outside of the Chicago area. Second, the Security Division, an insurance and security division, sees that employers comply with

¹Rules Governing Practice, Rules No. 31 - Rule No. 41.

²Ibid., Rule No. 41. ³Ibid., Rules No. 2 - Rule No. 8.

⁴Ibid., Rules No. 13 - Rule No. 15. ⁵Ibid., Rule No. 20.

the terms of the Act as to insuring compensation payments. Third, a Medical Division has been established to provide competent and impartial testimony in disputed cases, or where no other medical report or testimony is available. Fourth, a Docket Division has charge of the records pertaining to contested or compromise settlement cases that come before the Commission. The fifth department is the Accident Report Division, which receives, examines, and files all accident reports, including age, and compensation receipts. This Division also keeps an accident record for every employer operating under the Workmen's Compensation Act.

The Medical Division of the Commission consists of three physicians who are paid a monthly salary. One of the three who is designated as the Medical Director is paid \$500 per month, while the associate directors are paid \$200 per month. The chief function of this staff is to examine injured employees on the request of an arbitrator, or one or more of the Commissioners, in any case pending before the Commission where there is dispute between the parties as to the nature and extent of the disability. The role of these physicians, therefore, becomes essentially that of expert, impartial witnesses. A description of the work of the Medical Division, by Thomas C. Angerstein, is given below:

The commission has a medical director or examining physician at the commission's offices at Chicago and where there is a question of the extent of disability for which compensation has not been paid, the parties may agree to have the commission's physician examine and report as to disability and may agree to abide by his decision.

It is the practice in many cases for the parties to agree that an examination may be made by the commission's physician or medical director, and that the latter submit a written report to the arbitrator or the commission as the case may be, and that the report be made a part of the record without the doctor's being called as a witness or subjected to cross examination. The agreement is made a part of the record. Without such agreement the commission would have no authority to receive and consider such report or to receive it in evidence

.
The commission, where it cannot determine the extent of disability, if any, due to the alleged accident, from the medical evidence submitted, as where there is a conflict in the evidence so that the commission cannot determine the facts, may of its own motion, even if objected to, have the employee examined by the medical director or physician of the commission or any other physician and receive a report of the examination. However, the commission apparently would not be authorized to consider the same or receive it in evidence unless by an agreement to that effect was entered into, without calling the physician as the commission's witness and giving the parties a right of cross examination. In such case it

would be the testimony thus given and not the written report that the commission should consider in evidence and in arriving at its award. There has been no decision of the Supreme Court on this provision of the act but on principle the law should be as above stated and as was declared by the court in connection with the provisions of the act as to investigations by the arbitrator or the commission. . . .¹

In earlier years the medical department of the Industrial Commission functioned on a much broader base than it does at the present time. The Annual Report of the Industrial Commission for 1920 described the activities of the "Medical Division" during the fiscal year ending June 30, 1920, as follows:

1. The impartial examination of employees at the request of commissioners, arbitrators, and by stipulation between the employer and employee, to determine the exact physical condition of the injured party.

2. The recommendation of special treatment for the correction of disabilities where such treatment will be of benefit.

3. The notification of employers of the success or failure of medical treatment supplied by them, so that they may have some idea as to whether their results can be considered good or bad, from a surgical standpoint. This gives them the opportunity to improve conditions in their surgical departments.

4. Where a number of bad results from a single company or industry come before the Medical department, to call the attention of the employer to these bad results and go over the situation with him, pointing out where he can make corrections in the treatment or supply additional treatment, such as massage, electro- and hydro-therapy and the like, to bring about better surgical results.

5. To tabulate various kinds of injuries coming before the department and the results obtained in each individual type, with the amount of compensation which should have been paid as against the amount of compensation which was paid; this is done purely from a surgical standpoint and not from a standpoint of law, judgment being based on the amount of disability which occurred and on the award which was given.

6. To trace the individuals having permanent partial disability which did not disable them from doing any kind of work, but which did prevent them from following their past occupations, so that we might have some idea of what was happening to those who were crippled in industry; whether they were complete charges on the State or whether their living conditions were poorer, as good, or better than before they were injured. This last we have been entirely unable to do because of lack of office force and outside workers to check up on cases after they leave the jurisdiction of the commission.

¹Thomas C. Angerstein, The Employer and the Workmen's Compensation Act of Illinois (Chicago: Hawkins & Loomis Co., 1930), pp. 735-36.

7. The Medical Director and his assistant are publishing every three months, with the permission of the commissioners, a series of Industrial Clinics, in which there is pointed out the advantage of good medical treatment and the disadvantage of poor medical treatment, and the relative cost of each, both from a medical standpoint and from a compensation standpoint. They also indicate where most of the mistakes are made in the treatment of industrial injuries. It is hoped that this will be of benefit to industrial surgeons, employers and employees in obtaining better results.¹

Personnel and politics.--The Illinois Civil Service Act requires the State Civil Service Commissioners to classify all the offices and places of employment in the State service, except specified appointive positions.² The only positions in the Industrial Commission that are exempted by the civil service law are those of the five Commissioners who are appointed by the Governor by and with the consent of the Senate. In keeping with the duties laid upon it by this law the Illinois State Civil Service Commission has classified the following positions in the Industrial Commission as under civil service:³ Secretary, Assistant Secretary, Arbitrators, Medical Director, Medical Examiners, Chief Industrial Examiner, Industrial Examiner, Chief Security Examiner, Security Examiner, Security Supervisor, Investigator, Notice Service, Brief Writer, and the following clerks: Arbitration Assignment, Docket, Information, Insurance, Review.

Attempts to learn the status and the qualifications of the Commission's personnel from the Assistant Secretary of the Commission, who is also the personal secretary to the Chairman of the Commission, were futile. However, it seemed rather common knowledge about the offices of the Industrial Commission that about eighty per cent of its employees were without civil service rating, while ten of the eleven arbitrators active in 1933 and during the course of this investigation had not received appointments from civil service lists. The dismissal of the one arbitrator who was under civil service, Miss Harriet Reid, was an-

¹Illinois Industrial Commission, Annual Report, 1920 (Springfield: Illinois State Journal Co., 1921), pp. 5-6. See, also, Illinois Industrial Commission, Annual Report, 1921 (Springfield: Illinois State Journal Co., 1922), pp. 10-14.

²Illinois Revised Statutes, 1933, Cahill, chap. 126a.

³Illinois Civil Service Commission, Classification of Positions of the Illinois State Civil Service (Springfield, Illinois), pp. 53-56.

nounced on April 17, 1937, by Peter J. Angsten, Chairman of the Industrial Commission.¹ In addition to Miss Reid, who had served as an arbitrator for fifteen years, several of the other arbitrators seemed qualified by training and experience to discharge the duties of their offices efficiently. Others, however, appear to have received their appointment primarily as political gratuities.

The following account, related to the author by one very close to the situation, illustrates how partisan expediency may operate without regard for administrative efficiency. In the April primaries of 1936 a Chicago ward committeeman, who had sponsored the appointment of a certain arbitrator, supported Dr. Herman N. Bundesen for Governor instead of Governor Henry H. Horner. The arbitrator was removed at the time of his sponsor's deflection prior to the primary election, but was reappointed and resumed his position on September 1, 1936, after political harmony between the Democratic factions had been reestablished.

The members of the Industrial Commission serving by appointment of Governor Henry H. Horner for the term 1933-1936 were: Peter J. Angsten, Chairman; Anton Johannsen and A. M. Thompson, representatives of employees; August J. Hummert and Joseph L. Lisack as representatives of employers. The Workmen's Compensation Act provides that the salary of the Chairman of the Industrial Commission should be \$7,500 and of the other commissioners \$6,000 per year.² Garvin H. Richards and Anne M. Nash were the Commission's appointees to the positions of Secretary and Assistant Secretary, respectively, at salaries of \$5,000 and \$4,000 per year.³ Arbitrators are paid \$5,000 per year.⁴ The Commissioners, or their employees, are paid all expenses incurred in travelling necessitated by the business of the Commission.⁵

¹The Chicago Daily News, May 17, 1937, p. 1, in reporting Miss Reid's dismissal recalled that after her certification in 1920 the Industrial Commission withdrew its request for an arbitrator. At that time she took her case before the National League of Women Voters and other women's groups, both state and national. She was appointed as a result of the protests and demands that deluged the Industrial Commission and the Civil Service Commission.

²Illinois Workmen's Compensation Act, sec. 14.

³Ibid.

⁴Ibid.

⁵Ibid.

Minors Under the Illinois Compensation Law

Provisions of the Workmen's Compensation
Act Relating to Minors

Specific provisions concerning minor employees found in the Illinois compensation law relate to: (1) the power of the minor to contract for the purposes of the Act in the same way as if he were an adult employee;¹ (2) the requirement that if a minor under sixteen years of age is injured while illegally employed, he (or in cases of fatal injury, his dependents) is to receive in compensation an amount in addition to the primary or regular compensation;² (3) the requirement that no payment of compensation is to be made to a minor injured while illegally employed without the approval of the Industrial Commission;³ (4) the right of illegally employed minors or persons acting in their behalf to choose between the remedies afforded by the compensation law and the remedies available at common law.⁴

The right to contract.--All minors are now accorded full legal competency for all purposes of the Workmen's Compensation Act, being given all powers which are granted adults who come within the provisions of the Act (sec. 5).⁵ Undoubtedly this provision makes for administrative convenience and in general may work to the advantage of the injured minor. Nevertheless, the wisdom of putting the minor entirely on his own in the matter of dealing with employers and powerful insurance companies may be questioned, unless provisions in the law, interpretations by the courts, and actual administration of the law are such as would tend to balance the immaturity and the relatively impotent position of the minor against these powerful industrial agencies with which the minor must often bargain for compensation. In Walgreen Co. v. Industrial Commission, 323 Ill. 194 (1926), the court recognized the unequal position of the minor and, in interpreting Section 5, declared that the power of the minor to act with full competency for the purposes of the Workmen's Compensation Act was

¹Illinois Workmen's Compensation Act, sec. 5.

²Ibid., secs. 7(1), 8(k). ³Ibid., sec. 6.

⁴Ibid.

⁵Prior to 1927 only minors legally permitted to work under the laws of the State of Illinois were given rights under the compensation law.

limited.

In this case a boy sixteen and one-half years of age was injured on May 27, 1920. No claim for compensation was made until April 5, 1924, when the boy's mother was appointed guardian by the probate court of Cook County. The defendant based his plea on section 24 of the Workmen's Compensation Act, which requires that all claims must be filed within six months after the accident. The petitioner based her right to come at that late date on the provision of paragraph (h) of section 8 of the Act as amended in 1919, which provides that no limitation of time shall run so long as an incompetent employee is without a conservator or guardian. The defendant contended that the latter provision did not apply to minors and as a basis of this contention relied upon section 5 of the Workmen's Compensation Act, which defined employee so as to give all legally employed minors adult legal status.

The court declared that paragraph (h) must be construed the same as if section 5 had not been enacted, because they are on different subjects. It further declared that at the time of the enactment of section 8, paragraph (h), conservators could be appointed, "pursuant to law" for lunatics, idiots, drunkards, and spendthrifts, while guardians were appointed "pursuant to law," for minors. By law a minor could not commence a legal suit or proceeding in his own name but such suit or proceeding could only be commenced and prosecuted on behalf of a minor by his next friend or by his guardian appointed "pursuant to law." The court cited Webster's New International Dictionary definition of an incompetent as "one who is incompetent; as one incapable of managing his affairs because mentally or physically underdeveloped; as children and idiots are incompetent in the eyes of the law."¹ The court therefore held that the limitation of time provided by the Workmen's Compensation Act does not run against the rights of a minor so long as he is without a guardian.

Basis for computing compensation.--The basis for computing compensation for injured minors is the average annual wages at the time of the accident, the same as for adults. No provisions are made for determination of compensation for permanent disability or death on the basis of the probable future earn-

¹Walgreen Co. v. Industrial Commission, 323 Ill. 194 (1926).

ings of the minor, as does Wisconsin,¹ Ohio, New York, and ten other states.² One section of the Illinois Act which may be considered as having application to minors provides that:

In the case of injured employees who earn either no wage or less than the earnings of adult day laborers in the same line of employment in that locality, the yearly wage shall be reckoned according to the average annual earnings of adults of the same class in the same (or, if that is impracticable then of neighboring) employments.³

In practice, however, this provision is not used as a basis for the determination of future earnings of injured minors.

Compensation for injured minors which is computed upon the usual basis--a stated percentage of the minor's prevailing wage--is inadequate, because since the minor's earning power is affected by his immaturity it amounts to very little.⁴ Therefore, special provisions, similar to those of Wisconsin, to increase the amounts of compensation paid to certain minors are necessary if they are to maintain in adulthood an adequate standard of living without dependence upon the community for a part or all of their support.

The Protection Afforded by the Child Labor Law

Although accident compensation or liability is not mentioned in the text of the Illinois Child Labor Law of 1903 as

¹The Wisconsin Workmen's Compensation Act (Wisconsin Session Laws, 1935, chap. 465, p. 727) provides that: "If an employe is under twenty-seven years of age, his weekly earnings on which to compute the indemnity accruing for permanent disability or death shall be determined on the basis of the earnings that such employe, if not disabled, probably would earn after attaining the age of twenty-seven years. Unless otherwise established, earnings shall be taken as equivalent to the amount upon which maximum weekly indemnity is payable."

See also, E. N. Matthews, The Illegally Employed Minor and the Workmen's Compensation Law, U. S. Children's Bureau, Pub. No. 214 (Washington: Government Printing Office, 1932), p. 56, for a discussion of the administration of a future earnings' provision in Wisconsin.

²White House Conference on Child Health and Protection, Child Labor (New York: The Century Co., 1932), p. 354.

³Illinois Workmen's Compensation Act, sec. 10(f).

⁴U. S. Children's Bureau, Child Labor Facts and Figures, Pub. No. 197 (Washington: Government Printing Office, 1930, unrevised edition), pp. 77-81.

White House Conference on Child Health and Protection, Child Labor (New York: The Century Co., 1932), p. 353.

amended, that law has been both before and after the enactment of workmen's compensation legislation in Illinois important in the determination of the compensation rights of injured minors. Before the enactment of workmen's compensation laws in Illinois, the State Supreme Court denied the common law defenses to employers of minors injured while employed in violation of the Child Labor Law.¹ After the Workmen's Compensation Act of 1913 came into force, minors injured while employed in violation of the Child Labor Law were excluded from its benefits until 1927 when the Act was amended so as to include them.²

The Illinois Child Labor Law³ prohibits the gainful occupation of children under fourteen years of age in enumerated employments. Street trades (i.e., newspaper selling), agriculture, and other employments of a so-called "temporary and harmless character" are not covered by the law. According to the Attorney General of the State of Illinois, the Illinois Child Labor Law does not apply to boys and girls under fourteen years of age who purchase newspapers and sell them at a profit, as they are in business for themselves.⁴ Moreover, this opinion declared that while children under fourteen years of age cannot be employed by a newspaper to carry papers during the period while school is in session, they can be so employed in vacation. Caddies are not protected by the provisions of the Child Labor Law due to a construction placed upon section 14 of the law by the Illinois Supreme Court in Indian Hill Club v. Industrial Commission, 309 Ill. 271 (1923). In this case the court held that under section 14 of the Child Labor Law caddying was work of a "harmless character" and, therefore, boys under fourteen years of age could be employed as caddies. Many very young children are, therefore, without adequate protection from the hazards of these employments and when seriously injured in so-called "harmless work," they are not eligible for extra compensation since their work is not illegal.

A large number of specified hazardous occupations and processes (such as, work in connection with machinery and in mines) are forbidden for all minors under sixteen years of age by the Child Labor Law. The Department of Labor is empowered to add to

¹See discussion on pp. 33-35.

²See discussion on pp. 30-32.

³See pp. 238-43 for the text of pertinent provisions.

⁴See copy of this opinion on p. 244.

the list of prohibited and hazardous occupations any which it deems dangerous to the lives, limbs, health, or morals of children under sixteen years of age. Pursuant to this prerogative the Factory Inspection Division of the Department of Labor (which division has the immediate responsibility for the enforcement of the Child Labor Law) announced in September, 1927,¹ classes of employments which it regarded as not permissible for children under sixteen years of age. Included in this list of prohibited employments were: cranking automobiles or motor trucks, work in garages, filling stations and automobile repair shops, and work with dyes. The order declared that the listed occupations "by no means exhaust the instances in which children under sixteen years may not be permitted to work." However, a letter to the author from the Chief of the Factory Inspection Division under date of May 3, 1936, "advised that this Department has not issued any administrative extensions of the Child Labor Law. . . . the Child Labor Law is the only printed matter we have on the subject." From this letter two deductions are possible, either that the earlier rulings (e.g., those of 1927) had been withdrawn or that the administration in office in 1936 was unaware of their existence.

Under the Child Labor Law no child under sixteen years of age is permitted to be employed more than six days in any one week, or more than eight hours in any one day, or between the hours of 7 P.M. and 7 A.M.

Employment certificates or permits to work issued by the local school authorities are required for all children between the ages of fourteen and sixteen years who engage in any of the enumerated employments, whether the work is on a full time basis, during vacation, or "outside of school hours."² A physician's certificate of physical fitness, evidence of completion of the eighth grade, proof of age, and a definite promise of employment are required for a permit to work full time. Age certificates are issued upon request for minors sixteen years of age or older. Employers who do not keep on file employment certificates for every child under sixteen years of age in their employ are subject

¹Illinois Department of Labor, The Labor Bulletin, September, 1927, p. 43.

²See pp.238-44 for text of these provisions of the Illinois Child Labor Law.

to a fine of not less than \$5.00 nor more than \$200 for violation of the Child Labor Law. Parents or guardians of minors under sixteen years of age who permit their employment in violation of the law are subject to a fine of not less than \$5.00 nor more than \$25.00--a penalty rarely enforced.

Illegally Employed Minors and the Compensation Law

Exclusion from the Workmen's Compensation Act.--Prior to 1927 illegally employed minors were excluded from the provisions of the Workmen's Compensation Act on the basis of the definition of the term "employee" in the Act as originally passed in 1913, which definition was in part as follows:

Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and minors who are legally permitted to work under the laws of the State¹

Inferentially, minors who were illegally employed were therefore considered to be outside of the jurisdiction of the compensation law. This assumed exemption was upheld by the Illinois Supreme Court in the case of Roszek v. Bauerle and Stark Co., 282 Ill. 557 (1918). In this case, the father of a fifteen year old boy, who had been injured while operating sandpaper machinery, brought suit against the boy's employer and was awarded a judgment of \$3,000 by a jury in the Superior Court. The Appellate Court reversed this decision on the grounds that the Superior Court was without jurisdiction and held that the appellant's sole remedy was under the Workmen's Compensation Act. The Supreme Court reversed the Appellate Court and affirmed the judgment of the Superior Court.

The company admitted that it was operating under the Act, but maintained that the minor had not elected to be bound by it. The court found that the minor had no work permit as required by the Child Labor Act of 1903 and that he was employed at an hazardous occupation forbidden by the Child Labor Act. The court held that in both cases the employment was unlawful and that since the Workmen's Compensation Act embraced only minors who were legally permitted to work, the minor was not subject to its provisions and that action to recover damages under the common law was proper--

¹Section 5 of the Illinois Workmen's Compensation Act of 1913, which section remained unamended as pertained to minors until 1927. Illinois Session Laws, 1913, p. 340.

ly brought.

In another case¹ the father of a fourteen year old boy filed a petition for compensation under the Compensation Act. On May 27, 1915,² between the hours of 9 P.M. and 3 A.M., this child was injured when feeding dough to a dough mixer in the course of his employment in a bakery. He was employed without a work certificate as required by the Child Labor Law.

When the case was heard by an arbitrator of the Industrial Commission, he awarded compensation in accordance with the Workmen's Compensation Act. On review, the Industrial Commission affirmed the award. When the Circuit Court upheld the Industrial Commission the employer appealed to the Supreme Court. On May 20, 1918 the Court ruled that the boy might have been employed at a different occupation in the bakery, if a work permit had been obtained. It held, however, that because a minor under sixteen years of age could not be legally employed without a work permit, employment without such a permit constituted illegal employment, which was a bar to recovery under the Workmen's Compensation Act.

In the case of Frank Moll v. the Industrial Commission,³ a petition for compensation under the Workmen's Compensation Act was denied by the Commission and the decision was affirmed by the Circuit Court.

Frank Moll, while under the age of sixteen years, was employed by a mining company and was injured while driving a team hitched to a plow. The Court held the employment illegal and that the Workmen's Compensation Act did not include minors illegally employed. It further held that it was immaterial to the decision in the case whether this boy was right or wrong in his contention that prior to 1917 the prohibition of certain sections of the Child Labor Law did not apply to the occupation and business of his employer, because, ruled the Court, mining was declared extra-hazardous by the Workmen's Compensation Act and by section 6 of the Child Law Act it was made illegal to employ a child under sixteen years of age in hazardous occupations. The illegal employment of the minor was, therefore, declared to be a complete bar to an award under the Workmen's Compensation Act.

¹Fred Messmer v. Industrial Commission, 282 Ill. 562 (1918).

²Attention is called to the lapse of three years between the date of the accident and the date of the Supreme Court decision.

³Frank Moll v. Industrial Commission, 288 Ill. 347 (1919).

These decisions made any violation of the Child Labor Law illegal employment of minors for the purposes of the Workmen's Compensation Act. Violations of the Child Labor Law which were involved in the cases passed upon or were cited by the State Supreme Court as constituting illegal employment were employment of a minor under sixteen years of age, (1) without a work permit, (2) in hazardous occupations specifically forbidden by the Child Labor Act, and (3) at work declared hazardous by the Workmen's Compensation Act and, therefore, by construction prohibited employment since the Child Labor Law forbade all work of a hazardous character to minors under sixteen years of age.

The Industrial Commission determined illegal employment, both before and after 1927, in accordance with this definition. Prior to 1927, the Industrial Commission applied the definition in barring illegally employed minors from the benefits under the compensation law; after July 1, 1927, it applied this definition in the administration of the special benefit provisions accorded illegally employed minors by amendments in force on that date.

Common law and statutory remedies available to illegally employed minors.--Illegally employed minors, not included under the provisions of the Illinois Workmen's Compensation Act, could of course sue for damages at common law. In fact it was thought by some to be to their advantage that they were by exclusion compelled to seek remedy for losses in the courts. As Ellen N. Matthews, formerly director of the Industrial Division of the Children's Bureau, pointed out in The Illegally Employed Minor and the Workmen's Compensation Law this theory assumes that: (1) the minor is aware of his rights under the common law, (2) he is financially able to institute court proceedings or can find a lawyer who will serve him on a contingent basis, (3) he can tide himself over without financial aid during the period of delay incident to court proceedings, (4) he will actually exercise his right to sue, (5) and he will succeed in collecting from his employer the amount of his judgment.¹

Theoretically two advantages were thought to accrue to

¹Matthews, The Illegally Employed Minor and the Workmen's Compensation Law, U. S. Children's Bureau Pub. No. 214 (Washington: Government Printing Office, 1932), p. 23. For a fuller exposition of this theory and a discussion of its failures in practice the reader is referred to Miss Matthew's study, pp. 23-29.

the illegally employed minor who sought redress through the courts. First, the injured minor could often get in a suit under common law full indemnification for injuries suffered; whereas, the best he could hope for under the compensation law was partial indemnification; second, the injured minor had a strategic legal advantage over his employer in court action by the very fact of his illegal employment. Regarding the first advantage, it must be admitted that in theory and in fact the rates under any compensation law provide for only partial payment of the losses suffered by the injured person; he is neither compensated for full loss of wages during his incapacity for work nor for suffering and other hardships. Experience has shown that it is more desirable to assure certain and prompt compensation to the worker than to be compelled to gamble for uncertain stakes in the courts. The line of progress has been toward more adequate compensation.

As concerns the second advantage, it must be admitted that the illegally employed minor had a more favorable position before the courts in suits for damages than adults. Aside from any sentimental appeal that children's cases may have had with juries, the courts have interpreted the fact of illegal employment as a bar to the employers pleading of the common law defenses of contributory negligence by the injured workmen or negligence of fellow-employees or the assumption of risk involved in accepting employment. Violation of the Child Labor Law constituted illegal employment for the minor, a criminal offense by the employer. This interpretation by the courts placed the illegally employed minor, it was thought, in a decidedly favorable position. Theoretically, it would seem that representatives of such minors could have appeared before sympathetic juries and gotten high awards for damages. A small number probably did. In fact awards in several Illinois cases in which it was held that the common law defenses could not be plead by the employer were somewhat high.

In American Car and Foundry Co. v. Armentraut,¹ a judgment of \$1,800 was awarded as damages for a broken arm sustained by a boy twelve years of age. The employer pleaded the defense of contributory negligence and contended that the employee's misrepresentation of his age at the time of employment was a bar to recovery. The court held the Child Labor Law was aimed at the master and not the servant and that there was nothing unlawful

¹214 Ill. 509 (1905).

about the acceptance of employment. It further held that the employment of children under fourteen years of age in violation of the Child Labor Law was a responsibility resting upon the employer, who remained liable for the child's injury even though the negligence of the child might have been a contributing factor.

William Garrett, who was under sixteen years of age when his feet were permanently injured in the course of his employment in a foundry, was awarded a verdict and judgment for \$1,500 by the Circuit Court of Madison County.¹ The Appellate Court found that the minor was under sixteen years of age at the time of his accident and that he was injured while engaged in extra-hazardous employment in violation of the Child Labor Act. The court held that recovery could not be defeated in such cases by either the defense of assumed risk or the defense of contributory negligence.

Again in 1909 the Supreme Court held that the employer was liable in damages for violation of the Child Labor Law, declaring that one of the purposes of the Act of 1897 was to prevent the employment of children under fourteen years of age in any capacity in the occupations enumerated in the Act and that a liability for damages resulting from a violation of the Act was created whether or not it was expressly so declared in the statute.² The Court further ruled that the employer was liable although the injury was received when the child was doing forbidden work, and that contributory negligence of the child was no defense to an action for damages for the injury.

However, in 1925, the Supreme Court held that contributory negligence of a parent precluded recovery for the death of a minor³ under the Act of 1853,⁴ which law gave the surviving widow or person next of kin, of a person whose death was caused by a wrongful act, neglect or default of a person, company, or corporation, the right of action for damages not exceeding \$5,000. The amount recoverable was increased to \$10,000 in 1903, but the time allowed for filing suit was decreased from two years to one

¹Helmbacker Forge and Rolling Mills Co. v. William Garrett, 119 Ill. App. 166 (1905).

²Russell Strafford v. Republic Iron and Steel Co., 238 Ill. 371 (1909).

³Newton v. Illinois Oil Co., 316 Ill. 416 (1925).

⁴Illinois Session Laws, 1853, p. 97, "an act requiring compensation for causing death by wrongful act, neglect or default."

year.¹ The court declared that the state made the parents equally guilty with the employer for the illegal employment of children in violation of the Child Labor Law and that the courts of justice would not assist a person who had participated in a transaction forbidden by statute to claim damages growing out of such transaction or relieve himself of the consequences of his illegal act.

Actually the exclusion of the illegally employed minors from the provisions of the Workmen's Compensation Act was decidedly disadvantageous. Agitation for their inclusion was made dramatically articulate by Florence Kelley and her associates² and by the facts from the study of the position of the illegally employed minor in Illinois made by Miriam Noll for the Illinois Bureau of Labor Statistics.³ Miss Noll's study of industrial accidents occurring in Illinois in 1923 to persons under eighteen years of age gave especial attention to compensation for accidents to illegally employed minors. The findings of her investigation conclusively contradict the theory that exclusion of the illegally employed minor from the compensation procedures was to his advantage. The story unfolds convincingly in her own words.

To sum up, the state of affairs in regard to illegally employed minors was as follows: (1) in many of the more serious injuries, no compensation was paid, the child went to court and collected damages; or he did not know his rights at common law and collected nothing. The court procedure, when resorted to, was often long drawn out and the delay in settlement was much greater than it was when the cases were settled under the Compensation Act. (2) In most of the less serious injuries, the provision barring such minors from receiving compensation was not effective. Most of the cases of accidents to children illegally employed belonged to the second group.

A summary of the theory and actual operation, during the year studied, of the provision of the Compensation Act which excluded minors illegally employed from the benefits of the Act is as follows:

¹Illinois Session Laws, 1903, pp. 217-18.

²Florence Kelley and Dorothy W. Meyers, Children's Compensation for Industrial Accidents, How States Love Their Children (New York: National Consumer's League, 1926); Florence Kelley and Dorothy W. Meyers, Children's Compensation for Industrial Injuries, What Price Children? (New York: National Consumer's League, 1927); Florence Kelley and Marguerite Marsh, A Skeleton in Industry's Closet (New York: National Consumer's League, 1929), and other publications of the National Consumer's League.

³Miriam Noll, Accidents to Employed Minors in Illinois, Illinois Bureau of Labor Statistics, Bulletin No. 1 (Chicago: Illinois Department of Labor, 1927).

1. In theory, all children injured in industrial accidents in Illinois were denied workmen's compensation but retained their rights to sue or settle under the common law.

In practice, the present study shows that only 9.1 per cent of such children injured during 1923 had obtained settlements or verdicts in their favor under the common law as late as the summer of 1926.

2. In theory, children illegally employed received more money by retaining their rights under the common law than they would have received by being under the jurisdiction of the Workmen's Compensation Act.

In practice, at least 87.3 per cent of the children injured in 1923 who were illegally employed received either nothing or no more than the Compensation Act provided for workers under its jurisdiction.

3. In theory, the possibility of heavy damages kept the employer from violating the Child Labor Law.

In practice, 76.4 per cent of all children injured during 1923 while illegally employed received compensation as though they came under the Workmen's Compensation Act. That is, in more than three-quarters of all accidents to minors illegally employed the employers were not penalized; and if the 6 cases in which no settlement of any kind had been made as late as 1926 are added, the proportion rises to 87.3 per cent. In only 9.1 per cent of the cases of children who were injured while working illegally did the employer have to face¹ the possibility of suit and damages under the common law.

Sidney W. Wilcox, chief statistician of the U. S. Bureau of Labor Statistics, was Chief of the Illinois Bureau of Labor Statistics when Miriam Noll made the study just cited and other studies of accidents to minors in Illinois. At the 1934 convention of the International Association of Accident Boards and Commissions, he stated that her studies shed light upon the problem of the illegally employed minor and industrial accidents so clearly "that it was possible to approach the legislature on the basis of carefully ascertained facts."²

Inclusion under workmen's compensation and extra compensation.--In 1927, the same year in which Miriam Noll's study³ was published, the Illinois General Assembly passed amendments which brought the illegally employed minor within the scope of the Illinois Workmen's Compensation Act and provided for an award of extra compensation. Wisconsin had, ten years earlier, enacted legisla-

¹ Ibid., pp. 18-19.

² U. S. Department of Labor, Division of Labor Standards, Bulletin No. 2, Discussion of Industrial Accidents and Diseases (Washington: Government Printing Office, 1935), p. 233.

³ Accidents to Employed Minors in Illinois.

tion providing for the payment of triple compensation to minors injured while illegally employed.¹ The section of the Illinois Compensation Act which defines "employee" was amended by striking out the words "legally permitted to work under the laws of this State" which had followed the word "minors."² This section now reads, in part, as follows:

The term "employee" as used in this Act, shall be construed to mean:

First -

Second - Every person in the service of another under any contract of hire, express or implied, oral or written, including persons whose employment is outside of the State of Illinois where the contract of hire is made within the State of Illinois, and including aliens, and minors who, for the purpose of this Act, shall be considered the same and have the same power to contract, receive payments and give quit-tances therefor, as adult employees, but not including any person who is not engaged in the usual course of the trade, business, profession or occupation of his employer: Provided, that employees shall not be included within the provisions of this Act when excluded by the laws of the United States, relating to liability of employers to their employees for personal injuries where such laws are held to be exclusive.³

The payment of extra or penalty compensation to a minor under sixteen years of age illegally employed at the time of an injury was also provided for in amendments enacted at the same session of the General Assembly.⁴ These amendments provided that the amount of compensation payable for injury resulting in death and for injury not resulting in death was to be increased fifty per cent.⁵ This additional compensation is interpreted by the

¹Wisconsin was the first state to provide for the payment of extra compensation to illegally employed minors, while only eight additional states, including Illinois, had passed similar legislation in 1931. For a discussion of the history of extra compensation legislation, see: Matthews, The Illegally Employed Minor and the Workmen's Compensation Law, pp. 17-18.

²Illinois Session Laws, 1927, pp. 498-99.

³Illinois Workmen's Compensation Act, sec. 5.

⁴Illinois Session Laws, 1927, pp. 503, 508. In each of the amended sections (7,i, and 8,k) is the clause: nothing herein contained shall be construed to repeal or amend the provisions of the Act concerning child labor approved June 26, 1917, as subsequently amended relating to the employment of minors under the age of sixteen years.

⁵A number of states require the payment of higher rates of extra compensation. In Alabama, Maryland, Michigan, New Jersey, Pennsylvania, and New York the amount of extra compensation is one hundred per cent of the primary compensation; and in Wisconsin, it is "100 per cent for employment in violation of the permit

Industrial Commission as penalizing the employer either for careless or willful violation of the Child Labor Law. However, provision is not made in the Illinois law as in Wisconsin that the employer must himself pay the additional compensation.¹ In the absence of such provision enforcement of payment of extra compensation is made difficult and, consequently, administration of the penalty compensation provisions may be relatively ineffective. The Illinois experience for the first three fiscal years in which the extra compensation provisions were in force and for 1933 shows that such was the case. Thus, an analysis of the accident records of illegally employed minors injured in the fiscal years 1927-1928, 1928-1929, 1929-1930, made by the Illinois Bureau of Labor Statistics,² showed that while 64, 83, and 73 minors were in the respective years entitled to extra compensation, only 49 of the 64, 63 of the 83, and 41 of the 73, were paid extra compensation.³ Moreover, the extra compensation paid to the 49 of the 64 who were entitled to it in 1927-1928 represented only 32.2 per cent of the total amount of extra compensation due all 64, while that paid to the 63 of the 83 in 1928-1929 was 52.0 per cent of the total amount due all 83, and that paid to the 41 of the 73 in 1929-1930 was 54.4 per cent of the total amount due all 73.⁴ Although these figures showed progressive increases in the percentage of total payments, progressive decreases in the percentages of the number of cases in which additional compensation was paid,

provisions and 200 per cent for employment in violation of the minimum age requirements" Matthews, *op. cit.*, p. 22. These provisions seem more significant when it is known that Illinois has a lower basis for the computation of compensation than do: Wisconsin, which requires payment of 70 per cent of the weekly wage; New York, Michigan, Ohio, Maryland, New Jersey, 66 2/3 per cent; and Pennsylvania, 65 per cent.

¹Under the Wisconsin law the insurance company is liable for the increased compensation if the employer does not pay. The Wisconsin Industrial Commission "requires two releases signed by the injured minor, one for the primary compensation, which is filed by the insurance carrier or the employer if a self-insurer, and a second for the extra compensation, which is filed by the employer, stating that the employee has received from the employer the specified sum due him under the law." Matthews, *op. cit.*, p. 73. Although the Wisconsin law is definite and its administration efficient, difficulties in obtaining payment of the extra compensation from the employer were experienced. *Ibid.*

²"Additional Compensation of Illegal Employment of Minors in Illinois," *The Labor Bulletin*, December, 1930, pp. 107-110.

³*Ibid.*

⁴*Ibid.*

were revealed.

Three reasons were given by the Bureau of Labor Statistics for the non-payment of additional compensation in the three years discussed: (1) the Industrial Commission did not request payment and the child did not press his claim, (2) the demand of the Industrial Commission for payment was ignored, and the child or his parents did not press the claim, (3) a binding settlement contract had been approved by the Commission before the age was verified or the legality of employment discovered.¹

In the calendar year 1933 there occurred accidents to twelve minors who were illegally employed. The Industrial Commission requested payment of additional compensation for three of these twelve minors but only one of the three obtained payment of any extra compensation. The absence of administrative machinery for the investigation of age and illegal employment may partly explain this injustice to children, but does not account for the failure of the Industrial Commission to request payment of additional compensation in two cases for which the proof of ages was on file and the illegality of employments was recognized.

Constitutionality of extra compensation provisions.--The constitutionality of the amendments which brought illegally employed minors within the scope of the Workmen's Compensation Act and provided for extra compensation was upheld in 1931 in the case of Landry v. Shinner Co.² In this case, Fred Landry, aged fifteen, brought suit, by next friend, for damages for personal injuries occurring July 21, 1928. At the time of injury he was employed in violation of the Child Labor Law. The minor contended that section 8, paragraph (k) and section 5 of the Workmen's Compensation Act as amended in 1927 were in direct conflict; that illegally employed minors could not make a valid contract of hire as provided in section 5; and that the first part of section 8, paragraph (k) was unconstitutional because it tried to repeal the Child Labor Law without direct reference to such repeal, which is contrary to article 4, section 13, of the State constitution.

The court declared:

A contract of hiring a minor in violation of the Child Labor Law is an illegal contract, and, while it is commonly called void, it is not absolutely void in all aspects. It is void in the sense that it is unenforceable by either party to

¹Ibid.

²344 Ill. 579 (1931).

it, but it is not absolutely void in all of its aspects with relation to damages resulting to the minor through the performance of service under such illegal contract of hiring. The contract of hiring alleged in the declaration was an illegal contract and unenforceable by either party, and the services rendered under it were rendered under a contract, i.e., an illegal contract, which is not absolutely void but has sufficient virility to fix the relation between appellee and Fred Landry (compensation claimant) as that of master and servant.

The court held that a contract of hiring a minor in violation of the Child Labor Law fixed the relation between the parties as that of master and servant; hence the injured minor's remedy was under the Workmen's Compensation Act and not by suit at common law.

A choice of remedies.--On the day after the Illinois Supreme Court announced its opinion in the Landry case,¹ the General Assembly adopted an amendment to section 6 of the Workmen's Compensation Act which gives to any illegally employed minor, or his legal representative, the alternate right to accept compensation under the Act or to sue at common law for personal injuries.² The amended portion of section 6 now provides that:

....any illegally employed minor or his legal representatives shall, except as hereinafter provided, have the right, within six months after the time of injury or death, to file with the commission a rejection of his right to the benefits under this Act, in which case such illegally employed minor or his legal representatives shall have the right to pursue his or their common law or statutory remedies to recover damages for such injury or death; and provided, further, that no payment of compensation under this Act shall be made to an illegally employed minor, or his legal representatives, unless such payment has first been approved by the commission or any member thereof, and if such payment has been so approved such payment shall be a bar to subsequent rejection of the provisions of this Act.³

The right to reject the provisions of the Act is specifically denied employees in the first part of section six. It provides that:

No common law or statutory right to recover damages for injury or death sustained by any employee while engaged in line of his duty as such employee, other than the compensation herein provided, shall be available to any employee who is covered by the provisions of this Act, to any one wholly or partially dependent upon him

¹The opinion was filed June 18, 1931.

²Illinois Session Laws, 1931, p. 577. This amendment was passed on June 19, 1931 (Illinois Senate Journal, 1931, pp. 1291, 1292, 1662; Illinois House Journal, 1931, p. 1578).

³Illinois Workmen's Compensation Act, sec. 6.

Moreover, the protection afforded by section one to employers who elect to come under the Act, whereby they are declared relieved from any liability for the recovery of damages except as provided in the compensation law, is denied employers who hire children in violation of the provisions of the Child Labor Law by section 6. Thus the prospect of penalty compensation or damage suits at common law in the event of injury to such minors should deter employers from violating the Child Labor Law.

Administration of Extra Compensation Provisions

After the passage of the amendment to the Workmen's Compensation Act in 1927,¹ which brought illegally employed minors under sixteen years of age within its scope and provided for the payment of extra compensation, the Bureau of Labor Statistics of the Industrial Commission promptly adopted a plan for investigating by correspondence the age of all injured minors under eighteen years of age and of all those who were reported or proved to be under sixteen years of age at the time of injury.² The effective date of this amendment, July 1, 1927, was also the date when the Bureau of Industrial Accident and Labor Research, itself the result of the merger on July 1, 1925, of the statistical staff of the Department of Labor with the statistical and accident file staff of the Industrial Commission, was transferred to the Industrial Commission and became known as the Bureau of Labor Statistics.³ This statistical staff was transferred on July 1, 1931, pursuant to an act of the Legislature, to the Department of Labor and has since been known as the Division of Statistics and Research.⁴ The latter continued to investigate the ages and legality of employment of young persons under eighteen until sometime in 1933.

Although the accident report form prescribed by the Industrial Commission contains a number of queries that are intended to encourage compliance with the laws regarding injured minors

¹Illinois Session Laws, 1927, pp. 498-99.

²Illinois Department of Labor, The Labor Bulletin, December, 1931, pp. 107-110.

³Illinois Department of Labor, Thirteenth Annual Report, 1930, pp. 94-96.

⁴The Illinois Department of Labor, The Labor Bulletin, May, 1931, p. 206.

and to facilitate administrative procedures, these queries are disregarded by most employers and insurers. In addition to an entry for the age of all injured employees, there is one for the birth date of all injured young persons under eighteen years of age. However, of the 138 injured minors reported by employers as under eighteen in 1933, the dates of birth for only 73, or 52.8 per cent, were found on the reports filed with the Industrial Commission. These 73 birth dates represented the number originally reported by employers plus the number secured through the investigations of the Division of Statistics and Research. The accident report also contains four queries as to the employment certificates of children under sixteen, as follows: (1) the certificate number, (2) the date of issuance, (3) the place of issuance, (4) the job for which issued. However, a search of the records showed that employers and insurers rarely supplied this information when reporting accidents. Actually then a quite adequate accident report form proved of little practical help in the determination of age and certificate facts in 1933. This experience has not been confined to Illinois, as the U. S. Children's Bureau's investigations in Wisconsin and Indiana revealed not only a general failure to answer similar queries but the unreliability of the employers' answers.¹ That a careful check up is useful is shown by the report of the Illinois Bureau of Labor Statistics in 1929 that 61.0 per cent of all the cases in which additional compensation was due was discovered by the Bureau in the process of verifying ages.²

Until early in 1933 when it was discontinued, the procedure was as follows. When the accident report filed with the Industrial Commission indicated an injury to an employee under eighteen years of age, the Bureau of Labor Statistics (and later the Division of Statistics and Research) attempted to obtain through correspondence evidence of age similar to that required by the Illinois Child Labor Law for the issuance of employment certificates.³ A form letter was mailed to each child or young person requesting a copy of his birth certificate, the date and place of his birth, the school most recently attended, and the

¹Matthews, op. cit., pp. 29-30.

²The Labor Bulletin, December, 1929, p. 79.

³Ibid.

names of his parents. If the minor sent a copy of his birth certificate, that was of course accepted as conclusive evidence. If a Chicago or Cook County minor did not respond by filing a copy of his birth certificate, a check was made at the Chicago Board of Health or the Cook County Clerk's office to determine whether the birth was registered. If a minor reported a birthplace in Illinois, outside of Cook County, a form letter requesting verification was addressed to the clerk of the county of birth. If these procedures were fruitless, the last school attended was written in order to learn what age its records indicated for the child. A copy of a baptismal certificate sent in lieu of a birth certificate was accepted as a bonafide verification. None of these procedures were supplemented by field investigations.

The problem of investigating age and work permit status was and is accentuated by the lack of a centralization of responsibility for the issuance of employment certificates in Illinois. A multitude of local school officers throughout the State issue employment and age certificates. In Chicago, the Board of Education issues permits to boys and girls fourteen and fifteen years of age who live within the city, while in the rest of Cook County local school authorities issue them. Although the local issuing officers are required by the Child Labor Law to forward duplicate copies of all certificates to the Division of Factory Inspection of the Department of Labor, compliance with this requirement has been negligible. Inquiry and search at the office of the Division of Factory Inspection in 1935 bore out the latter statement. All of the duplicate employment certificates that had been sent in for the years 1931, 1932, and 1933, were in one pack held together with rubber bands, not arranged according to any scheme. Although the Chicago Board of Education had issued 504 certificates in 1931, 254 in 1932, and 156 in 1933,¹ the Division of Factory Inspection did not have a single duplicate of those certificates. Moreover, not a single duplicate work permit was on file for any child injured anywhere in Illinois in 1933. Upon inquiry this situation was explained as due to the laxity of the previous administration of the Division of Factory Inspection.² Obviously,

¹Ella A. Merritt, "Child Labor Under the N.R.A. as Shown by Employment Certificates Issued in 1934," Monthly Labor Review, XLI (1935), 1477-91.

²The fact that during the period in which this study was

neglect on the part of the state to require that these duplicate certificates be filed with the state in accordance with the law did increase carelessness and general neglect of the law by local issuing officials.

As the Factory Inspection Division did not keep a complete file of the work certificates issued, it was necessary for the Bureau of Labor Statistics and later for the Division of Statistics and Research, whenever an injured child under sixteen years of age was reported to have been employed in an occupation for which a certificate was required, to learn by correspondence with the issuing officer in the town in which the injured child lived whether he had been certificated for the employment in which the injury occurred.¹ If the investigation showed that a boy or girl had been illegally employed, the employer was notified that fifty per cent additional compensation was due and its payment was requested.²

From 1931 until the discontinuance of this investigative procedure in 1933, all cases of injuries to illegally employed minors were referred for investigation to the Division of Factory Inspection (it is responsible for the enforcement of the Child Labor Law).³

Despite frequent changes in organization and other difficulties, the Illinois Bureau of Labor Statistics had developed a satisfactory procedure for the administration of the extra compensation provisions of the Workmen's Compensation Act. When the Division of Statistics and Research was separated from the Industrial Commission on July 1, 1931, and was established in the Department of Labor, it was stripped of authority to enforce the extra compensation provisions of the compensation law. It continued, however, to investigate the ages of injured minors, who were reported by employers to be under eighteen years of age, in order to secure accurate statistical information concerning these

in progress three changes were made in the office of the Chief of the Division of Factory Inspection may be of administrative significance. In April, 1935, when the study was begun, Joseph J. Nowicki was Chief of the Division. Several months later M. J. Smuczynski succeeded him, while a short time before the primary elections in April, 1936, Mr. Smuczynski was replaced by John M. Falasz.

¹The Labor Bulletin, December, 1929, p. 79.

²Ibid.

³Matthews, op. cit., p. 36.

accidents. All cases of illegal employment were brought to the attention of both the Industrial Commission and the Division of Factory Inspection from 1931 to 1933, but neither made any administrative use whatsoever of the information furnished them. In fact it is said that the Industrial Commission merely tolerated the Division of Statistics and Research sufficiently to permit it to get statistical information from the accident records. At times the inaction of the Industrial Commission provoked certain members of the statistical division staff to inform injured minors of their rights, which service usually resulted in reprimands from the Industrial Commission.

Early in 1933, shortly after Miss Miriam Noll, who had been most directly concerned with the development and execution of the procedures above described, and others were dismissed from the Division of Statistics and Research when a change in State Administrations occurred, the collection of statistics on injured minors was discontinued, and the whole system of follow-up of cases under eighteen years of age collapsed.

Since July, 1931, responsibility for the administration of the extra compensation provisions of the Workmen's Compensation Act has been placed with the Accident Report Division of the Industrial Commission. It audits and files the accident reports as they are sent in by employers or insurers, but has done nothing to develop the administrative procedures necessary if the extra compensation provisions are to be enforced. In part its inaction has been due to its presumption that few children under sixteen years of age were injured in 1932, 1933, or later years.

As a result of the lack of administrative attention to accidents to children, the Accident Report Division has been wholly without reliable information regarding the existence of employment certificates or the correct ages of the injured children on which to base action in their behalf. Of course, the unusually small number of boys and girls reported by employers as under sixteen years of age, only twenty-one in 1933, lends support to that division's supposition that few children under sixteen years of age were injured in 1933, but hardly excuses its policy because it is important that every injured young person receive the benefit the law provides. Decreased employment of children and resulting low accident frequency does not minimize the importance of the investigation of the ages and the legality of the employ-

ment of those children who are injured, if their interests in difficult economic times are to be adequately protected. Certain facts learned in the course of this study revealed that more children under sixteen years of age were injured in Illinois in 1933 than were reported by employers to the Industrial Commission, and nearly all of those who were illegally employed in 1933 were not properly compensated either because the Industrial Commission did not know their correct ages due to the absence of investigation or failed to award extra compensation when it knew the facts.

A well conceived and well administered plan for the follow-up of accidents to young persons, while needed immediately in view of the probable increase in the employment of children fourteen and fifteen,¹ will become more rather than less important if desirable changes in the Child Labor Law, establishing a minimum age for employment of sixteen years and requiring certification of those sixteen and seventeen years of age, are enacted into law.² Should the enactment of these proposals not only be realized but be followed by changes in the Workmen's Compensation Act providing extra compensation for illegally employed minors under eighteen years of age, the essentiality of good administrative procedures is even more apparent. In any event it would seem desirable to reconstruct the whole certification system to facilitate the general enforcement of the extra compensation provisions of the compensation law as well as the Child Labor Law. Although the Division of Statistics and Research did satisfactory work between 1931 and 1933, it would be unfortunate to divide the responsibility for administering extra compensation provisions of the law between the Accident Report Division of the Industrial Commission, the Division of Statistics and Research of the Department of Labor,³

¹The U. S. Children's Bureau reported in November, 1936, that there were evidences of an increase in the employment of children under sixteen years of age since May, 1935, when the N.R.A. codes with their general minimum for employees as sixteen years were invalidated (see, U. S. Children's Bureau, The Child, November, 1936, pp. 14-15).

²The Illinois Child Committee is actively agitating for the adoption of the sixteen year minimum in Illinois (see, its mimeographed release of January 25, 1937, "Why Illinois Should Adopt a 16 Year Minimum for the Employment of Children.")

³The Industrial Commission and the Department of Labor are autonomous, both being directly responsible to the Governor and neither being linked through line or staff relationships by statute.

and the Division of Factory Inspection of the Department of Labor as was done from 1931 to 1933. Even the complete facts were assembled in no one office. And it may be said at this point that sending out inquiries from the office is not sufficient for the proper administration of the law. These must be supplemented by routine field investigations.

In striking contrast with Illinois, Wisconsin has a centralized organization for the administration of laws affecting injured minors. Its Industrial Commission consolidates all state agencies dealing with labor and compensation problems and correlates their activities. It has complete control over the issuance of employment certificates and either issues them itself or appoints the issuing officers and supervises their work.¹ The activities of the Workmen's Compensation, Child Labor, Safety, and Vocational Rehabilitation Divisions of the Wisconsin Commission are thus correlated in the investigation of accidents to minors.² When accident reports are filed by employers in the first instance and subsequently by the insurers and physicians, the Workmen's Compensation Division refers the reports on minors to the Child Labor Department, which checks employment certificates for age data and for illegal employment.³ Then the Safety Department checks the reports for violation of safety laws. If either department discovers an apparent violation, the accident is reported to a deputy who investigates. If the investigation confirms the existence of a violation, the employer is notified that triple compensation must be paid the injured employee. If the employer denies responsibility, a hearing is held.

The Wisconsin Industrial Commission recognized that the administration of the special provisions for the minors injured while illegally employed entailed special problems and specific responsibilities. It undertook the following duties: (1) discovery of injured minors employed in violation of the Child Labor Law, (2) seeing that they received the full amount of compensation to which they are entitled, and (3) that the payments were made

¹Matthews, *op. cit.*, pp. 46, 64-65.

²A. J. Altmeyer, *The Industrial Commission of Wisconsin* (Madison: University of Wisconsin, 1932), pp. 17, 60, 63, 103.

³Based upon an interview with Harry A. Nelson, Director of Compensation, Industrial Commission of Wisconsin, August 31, 1936.

in such a way as to serve their best interests.¹ Obviously the discharge of the last two duties rests upon the efficient discharge of the first; which involves investigations of the injured minor's age, employment certificate, and occupation at the time of injury. The Illinois Industrial Commission has not as consistently recognized, accepted, and discharged its responsibilities toward illegally employed minors. This may account in part for the difference in the quality of the administration between the two states. Other important factors accounting for Wisconsin's exemplary administration are, of course, the permanency of the administrative officers² and their careful day by day attention to administrative details.

The Bureau of Women and Children of the Department of Labor and Industry of Pennsylvania has since July 15, 1926, received and scrutinized all accident reports for minors under eighteen years of age.³ It receives these reports daily from the Bureau of Workmen's Compensation.⁴ Cases where any irregularity or illegality is indicated are referred to the proper bureau of the Department of Labor and Industry for further investigation and action.⁵ In general the procedures followed in Pennsylvania are similar to those formerly used in Illinois by the Division of Statistics and Research. These and other procedures essential for the protection of the interests of injured young people may now very appropriately be assumed by the newly created Division of Women's and Children's Employment of the Illinois State Department of Labor.⁶ Moreover, it seems equally important to place respon-

¹Matthews, *op. cit.*, p. 65.

²Altmeyer, *The Industrial Commission of Wisconsin*, pp.19-20. Mr. Altmeyer discusses Wisconsin's experience and states that all employees of the commission have been under civil service since 1929.

³Pennsylvania Department of Labor and Industry, *An Analysis of Compensated Accidents to Minors for the Year 1924*, Special Bulletin No. 17 (Harrisburg: 1926), pp. 14-15; Charlotte E. Carr, "Three Years' Work of the Bureau of Women and Children," *Labor and Industry*, XV (October, 1928), 3-5.

⁴*Ibid.*

⁵*Ibid.* Also, Beatrice McConnell, "The Illegally Employed Child in Industry," *Labor and Industry*, XIV (July, 1927), 3-10; Beatrice McConnell, "Injured Children Excluded from the Benefits of Workmen's Compensation," *Labor and Industry*, XV (July, 1928), 3-9; Beatrice McConnell, "Illegally Employed Minors and Workmen's Compensation," *Labor and Industry*, XVII (December, 1930), 4-12.

⁶*Illinois Revised Statutes, 1937*, chap.127, secs. 5 and 9.

sibility for the supervision of the issuance of employment certificates throughout the State of Illinois with this division.

As the following section illustrates, children injured are usually the victims of the lack of efficient administration machinery.

Extra compensation not awarded to illegally employed minors injured in 1933.--According to the records of the Industrial Commission, twenty-one children injured in Illinois in 1933 were under sixteen years of age at the time of injury. In the course of this investigation of the 530 injured Cook County minors four other young employees, who had been reported by their employers to the Commission as sixteen years of age or over, were found to have been in fact under sixteen years of age. Thus, 25 of the 1,233 young people injured in 1933 were under sixteen. Twelve of these were illegally employed.¹ None of these twelve had employment certificates. Moreover, seven were also employed in hazardous occupations prohibited to persons under sixteen years of age by the Child Labor Law.

A check at the office of the Chicago Board of Education of work permits issued revealed that permits to work had been issued to only one of the ten Chicago minors who, according to the records of the Industrial Commission, were under sixteen years of age at the time of their injury. A vacation certificate was issued to a second boy, age fourteen years, seven days after his accident.

In only two of the seven cases involving violation of both the certificate and the occupation provisions of the Child Labor Law was the fifty per cent penalty compensation ordered paid by the Industrial Commission. In only one of the five cases, involving only violation of the certificate provisions of the Child Labor Law, was the penalty compensation requested by the Commission. Penalty compensation was not awarded by an arbitrator, for example, in a case in which a fifteen year old boy bled to death before reaching a hospital.² Thus, in nine of the twelve cases of illegally employed minors, the provisions of the Workmen's Compensation Act, relating to extra compensation, were ignored by em-

¹The chief clerk of the accident report division of the Industrial Commission considered these twelve minors as illegally employed.

²See p.120 for further details of this case.

ployers or the Industrial Commission. Penalty, or extra compensation, amounting to \$799.82 was ordered paid to the three other illegally employed minors, but investigation showed that \$757.50 of that amount was not paid and undoubtedly never will be paid. The latter amount in addition to \$1,515 primary compensation was awarded by the Industrial Commission to a fifteen year old boy who lost his leg in a coal mine accident. Investigation in 1936 revealed that a final settlement reached in late 1935 gave the boy only \$300 and the cost of a wooden leg, although the total compensation originally awarded amounted to \$2,272.50.

Twelve of the twenty-five children under sixteen years of age who met with accidents were employed in occupations not covered by the Illinois Child Labor Law, nine of these as newsboys and three as caddies.¹ Two of the three boys employed as caddies were fourteen years of age and one was thirteen. A knowledge of the nature of the injuries sustained by these three caddies, in the course of their work, seems to dispel the illusion that caddying is work of a "harmless character" for children. One was unconscious for several days in a hospital, suffering a fractured skull, as a result of being struck by a golf ball.² Another has a facial disfigurement from the same cause. There was fear lest the latter lose the sight of one eye for a time after the accident.

Newsboys are in practice excluded from the Workmen's Compensation Law on the ground that they are self-employers and working, therefore, without an employer-employee relationship as a basis for compensation liability. The Attorney General of the State of Illinois gave an opinion on June 15, 1936, that,

There is no question but that a newspaper carrier boy who purchases the papers from a publisher and re-sells the same as his own business and does not enter into a contract of employment with the publisher for such service would not be under the Workmen's Compensation Act of Illinois.³

Law. ¹See p. 28 regarding their exclusion from the Child Labor

²See p. 118 for further details of this case.

³See excerpts from this opinion on p. 245.

CHAPTER III

ANALYSIS OF RECORDS OF ACCIDENTS FILED WITH THE INDUSTRIAL COMMISSION

In this and other chapters the statistical data are based upon information taken from the records of the Illinois Industrial Commission, while the illustrative case accounts represent a composite of information from that office and of materials obtained in interviews with the injured minors and through other investigative procedures. From the files of the Industrial Commission pertinent information was copied from accident report blanks, settlement contracts, arbitration awards, review decisions, lump sum petitions, final report and settlement receipts, and other papers filed in the accident case envelopes of the Accident Report Division and in the docket envelopes of the Hearing and Review Divisions of the Commission. All cases compensable under the Illinois Workmen's Compensation Act, were included.

Although the Illinois compensation law requires employers to report only compensable accidents, several employers seem to report all accidents occurring to their employees.¹ Compensable accidents are ones which have been compensated in whole or in part, or in which compensation is apparently due. Compensation is payable for a disability which lasts more than one working week, for the loss of or loss of use of a body member, and for death. A compensable case is considered "open" by the Industrial Commission until all business pertaining to the matter of payment of compensation and medical care has been settled to the apparent satisfaction of all parties concerned; and ordinarily is considered "closed" by the Industrial Commission only after a final re-

¹The Accident Report Division classifies cases as non-compensable upon the face value of the accident reports sent in. If the accident report indicates no payment of compensation to the injured person, the case is stamped "non-compensable" without further investigation. Examination of a number of these accident reports causes one to suspect that investigation of the nature and extent of injury might have shown many of them to have been compensable.

port and settlement receipt, signed by the injured person or his representative has been filed with the Accident Report Division. For this study "open" cases as well as "closed" cases were included. In 1935 relatively few cases involving accidents which occurred to minors in 1933 remained "open," but several were still "open" in 1936. It should be stated at once that whether a case is "open" or "closed" is not per se indicative of good or poor administration. On the one hand, it may be indicative of excellent administration to have cases involving permanent injuries to young persons "active" for a number of years, especially when compensation is paid at intervals over a long period of time with supervisory contacts by the Commission. On the other hand, a case still considered as "open" three years after a fatal accident to a boy illegally employed because the employer refuses to pay compensation, may suggest quite opposite conclusions.

Information about the injured minors was also sought in the records of the Factory Inspection and the Statistics and Research Divisions of the Illinois Department of Labor, the work permit department of the Chicago Board of Education, the Chicago Board of Health, the Cook County Clerk's office, the Probate Court of Cook County, the Cook County Hospital, a number of public relief offices, and other places.

Residence, Age, and Sex of Injured Minors

According to the records of the Illinois Industrial Commission, there occurred in 1933 a total of 1,233 compensable work accidents to persons under twenty-one years of age. Included in this number are accidents to persons under contract of employment in Illinois, and therefore subject to the Illinois Workmen's Compensation Act, regardless of the place where the accident occurred or the place of residence of the injured.¹ Table 1 shows the geographic distribution of the residences of the injured minors.²

¹In ten cases the accident occurred outside of Illinois but the contract of employment was made in Illinois.

²The place of residence of the minor at the time of injury may for all practical statistical purposes of this study be considered as synonymous with the place of occurrence of the accident. An examination of these two items reveals that the place of residence and the place of accident correspond for 668 of the 683 Chicago minors. Chicago was the place of accident for 40 of the 72 minors who were resident in Cook County outside of the City of Chicago; places within the County of Cook were the places of

TABLE 1

MINORS OF SPECIFIED AGE AND SEX INJURED IN WORK
ACCIDENTS IN ILLINOIS IN 1933, BY PLACE OF
RESIDENCE AT THE TIME OF ACCIDENT

Age and Sex	Minors Injured in Work Accidents				
	Total	Residence of Minors			
		Chi- cago	Cook County ^a	Illi- nois ^b	Outside of Illinois
All ages	1,233	683	72	468	10
Males	918	458	50	401	9
Under 14 years	6	...	4	2	...
14 and 15 years	14	9	3	2	...
16 and 17 years	92	49	3	39	1
18 years, less than 21	806	400	40	358	8
Females	315	225	22	67	1
Under 14 years	...	...	...	...	...
14 and 15 years	1	1	...	...	...
16 and 17 years	25	9	4	12	...
18 years, less than 21	289	215	18	55	1

^aExclusive of the city of Chicago.

^bExclusive of Cook County.

Of the 1,233 injured minors, 683, or 55.4 per cent, lived in Chicago at the time of injury in 1933, while 72, or 5.8 per cent, lived in Cook County outside of Chicago. In Cook County, including Chicago, 755, or 61.2 per cent, of the 1,233 injured minors resided at the time of their injury. Less than one per cent (0.9) were resident outside of the State of Illinois, while 37.9 per cent (468) lived in Illinois, outside of Cook County. High percentages of the youngest workers were from Cook County, 81 per cent of those under twenty-one years of age and 59 per cent of those under eighteen having had their homes there.

The comparatively small number of accidents occurring to young workers under twenty-one years of age in Illinois in 1933 reflects the diminution of general employment and especially the reduced employment opportunities for very young people, resulting in decreased exposures to accident risks. Thus, in 1929 when the employment index for all reporting industries in Illinois was 101.0, there occurred 5,003 industrial accidents to persons under twenty-one, while in 1931 a drop of the employment index to 75.0 was accompanied by a drop in the number of accidents to minors in that year to 2,285.¹ The occurrence, therefore, of only 1,233 accidents to employees under twenty-one in 1933 followed a drop in the employment index in that year to 62.7.² The decrease in the number of employment certificates issued by the Chicago Board of Education may be cited as further evidence of a progressive decline in employment opportunities for boys and girls in Illinois from 1929 to 1933. In 1929, 3,486 certificates were issued to fourteen and fifteen year old boys and girls;³ in 1930, 1,143;⁴

accident for the other 32 minors resident there. Thus, for 751 out of 755 minors in Cook County including Chicago the place of residence and the place of occurrence of accident corresponded.

¹Illinois Department of Labor, Thirteenth Annual Report, 1930, pp. 106, 141-42; Peter T. Swanish, Statistical Summary of Changes in Employment . . . during 1936, Division of Statistics and Research, Illinois Department of Labor, Mimeographed Report, 1937; unpublished figures for 1931 accident statistics in the files of the Division of Statistics and Research of the Illinois Department of Labor.

²Swanish, Statistical Summary of Changes in Employment . . . during 1936.

³U. S. Children's Bureau, 19th Annual Report of the Chief, 1931 (Washington: Government Printing Office, 1931), p. 21.

⁴Ibid.

in 1931, 504;¹ in 1932, 254;² and in 1933, only 156³ certificates were issued to this age group.

An upturn in the number of children and young people employed will result in increased exposure to the hazards of employment and consequently in an increase in the number of accidents to minors. Plans to protect the interests of all employed young people through preventive efforts and to assure those who are injured the full benefits due them under the compensation law should be based upon such probabilities rather than upon 1933 statistics. In November, 1936, the U. S. Children's Bureau reported evidences of an upward trend in the number of children employed.⁴ In Chicago, the legal employment of the fourteen to sixteen age group has not been possible because, the Board of Education has followed a policy of not issuing work certificates. The latter's certificate department reports only one certificate issued in 1934, three in 1935, twelve in 1936, and eight in the first nine months of 1937.⁵ While this policy may not have kept some fourteen and fifteen year old children from employment in violation of the Child Labor Law, no figures are available to show the number of accidents, if any, suffered by illegally employed minors in Chicago in 1934 or 1935. Accident statistics published by the Division of Statistics and Research of the Department of Labor for 1934 and 1935 do not show the number of work accidents occurring to minors but show the number of accident cases closed in a specific year.⁶ As a case closed, for example in 1934, may have occurred in 1929 or any of the years between 1929 and 1934, the available accident figures are not useful for comparison with the number of

¹U. S. Bureau of Labor Statistics, "Child Labor in the U. S. 1932," Monthly Labor Review, XXXVI (December, 1933), 1365.

²Ibid.

³Unpublished figures of the Chicago Board of Education, Employment Certificate Department, obtained September 30, 1937.

⁴U. S. Children's Bureau, "The Trend of Child Labor in 1936," The Child, November, 1936, pp. 14-15.

⁵Unpublished figures of the Chicago Board of Education obtained September 30, 1937.

⁶Swanish, Cost of Accidents in Illinois for the Year 1934, Division of Statistics and Research, Illinois Department of Labor, Mimeographed Report, December 13, 1936; Swanish, The Cost of Industrial Accidents in Illinois for the Year 1935, Division of Statistics and Research, Illinois Department of Labor, Mimeographed Report, March 14, 1936.

certificates issued in those years.

Table 2 shows the age and sex of the 1,233 injured minors.¹ Thus, according to the records of the Industrial Commission, 1,095, or 88 per cent, of the young workers injured seriously enough to receive compensation were eighteen years of age and over, while 138, or 12 per cent, were under eighteen. Of those under eighteen, 21 were under sixteen years of age and 6 under fourteen. Although special interest attaches to the injured young people who were under eighteen years of age, as the need for statutory protection for this younger group is greater and more readily secured than for those over eighteen, yet a consideration of what happened in the cases of all minors under twenty-one years of age is justified in the light of the findings in the investigations made in connection with this study.

Of the 1,233 young employees injured, 918, or 74 per cent, were boys. The high percentage of boys is most pronounced in the younger age groups. As Table 2 shows none of the children under fourteen and only one of those under sixteen years of age were girls. Sixty-seven per cent of the Chicago young people were boys,² while 77 per cent of those in Cook County (exclusive of Chicago) and 86 per cent of those in other parts of the state were boys.

Industry or Occupational Group

Manufacturing and trade were, as Table 3 shows, the principal occupational groups in which the injured young workers were employed. Almost half of the 1,233 minors were working in factories when they were injured, while slightly less than one-fourth of them were employed in some trade. Smaller percentages were in domestic and personal service and in the extraction of minerals. One-half of those who were employed in manufacturing were working

¹The ages shown are the ones reported to the Industrial Commission by employers or insurers, except a small but undetermined number which were corrected as the result of an investigation by the Division of Statistics and Research of the ages of some of the minors reported as under eighteen years of age.

A comparison of the ages of Cook County minors reported to the Industrial Commission with the ages ascertained in home interviews and other investigative procedures is described on p. 140 ff.

²The 1930 Census of Population showed that there were more boys than girls living as well as employed in Chicago between the ages of ten and twenty years.

TABLE 2
NUMBER AND PER CENT DISTRIBUTION BY AGE OF MINORS
INJURED IN WORK ACCIDENTS IN ILLINOIS, 1933

Age *	Minors Injured in Work Accidents					
	Total		Male		Female	
	Number	Per Cent	Number	Per Cent	Number	Per Cent
Total	1,233	100.0	918	100.0	315	100.0
Under 14 years ..	6	0.5	6	0.6	...	...
14 years	8	0.7	7	0.8	1	0.3
15 years	7	0.6	7	0.8	...	...
16 years	41	3.4	37	4.0	4	1.3
17 years	76	6.1	55	6.0	21	6.7
18 years	284	23.0	203	22.1	81	25.7
19 years	378	30.6	271	29.5	107	34.0
20 years	433	35.1	332	36.2	101	32.0

*Ages shown are the ones reported by employers and insurers to the Industrial Commission.

TABLE 3
NUMBER AND PERCENTAGE OF EMPLOYED MINORS SUSTAINING
INJURIES IN SPECIFIED INDUSTRIES OR OCCUPATIONAL
GROUPS IN ILLINOIS IN 1933

Industry or Occupational Group*	Minors Sustaining Injuries	
	Number	Per Cent
Total	1,233	100.0
Building and construction	42	3.5
Extraction of minerals	88	7.2
Manufacturing.....	601	48.8
Chemical products	24	2.0
Clothing	32	2.5
Electrical supplies	38	3.1
Food and allied products	152	12.3
Leather products	24	2.0
Lumber and furniture	41	3.3
Metal products	148	12.0
Paper manufacture and printing ..	61	5.0
Textile	11	0.9
Other	70	5.8
Trade	286	23.2
Transportation and communication.	64	5.1
Domestic and personal service ...	93	7.5
Recreation and amusement	24	1.9
Miscellaneous	27	2.2
Not reported	8	0.6

*The classification of industry or occupational group used in this and other tables is that of the U. S. Bureau of Census, Fifteenth Census of the U.S., 1930, Alphabetical Index of Occupations (Washington: Government Printing Office, 1930).

in either the processing of food and allied products or the metal products industries when they were injured. Of these 300 young persons, 152 were engaged in the manufacture of the former and 148 were in the latter.

Of the 88 minors injured in the extraction of minerals, 86 were employed in coal mines, nine of whom were under eighteen years of age. One child had barely reached his fifteenth birthday when his leg was crushed beneath a coal car. He had begun working in the coal mines when only fourteen years of age for fifty cents per day. Four other youthful miners were just sixteen years of age and four were seventeen years of age.

As Table 4 shows, the trades group exacted the highest accident toll from the very youngest minors, in addition to its contributing the second highest total number of accidents. Thirteen of the 21 children who were under sixteen years of age at the time of injury were employed in trades; five of these were under fourteen years of age and six were fourteen years of age. Four of the injured fourteen year old boys in trade were news-boys.¹

One child under fourteen years of age and two children fourteen years of age employed in "recreation and amusement" were working as caddies at the time of their accidents. Two children under sixteen years of age, who sustained injuries while employed in manufacturing, were illegally employed. One of them was a fifteen year old boy who according to the report of the accident by his employer "absent-mindedly put his hand between the rollers. Accident was due entirely to his carelessness and lack of attention of employee to his work." The other boy, age fifteen years, was employed as a "band sawyer" in a furniture factory. Both of these Chicago boys were employed at prohibited occupations and without work permits. Despite these two violations, the Illinois Child Labor Law may be safely presumed to keep to a minimum the number of children employed in hazardous occupations, thereby, indirectly protecting many who are under sixteen years of age from work accidents. The fact that the provisions of the Child

¹The Illinois Child Labor Law does not regulate "voluntary work of a temporary and harmless character, for compensation, when school is not in session," Newsboy work and caddying are interpreted as coming within the meaning of this provision and are, therefore, unregulated. See discussion on pp. 28 and 50.

Labor Law do not include young people sixteen and seventeen years of age seems to be reflected in the numbers of these ages who were injured in manufacturing industries. Table 4 shows that whereas only two children under sixteen years of age were injured in manufacturing, 61 aged sixteen and seventeen were injured in factory employments. An extension of the scope of the present Child Labor Law would spare many of these young persons from industrial accidents by protecting them, as it does those under sixteen, from extra hazardous employments.

Extent and Duration of Disability

Ten young employees were fatally injured in work accidents in Illinois in 1933. As Table 5 shows, 298 suffered permanent partial disabilities--of these 46 were disfigurements¹--and 913 were the victims of accidents that temporarily disabled them for all work. Nine of the fatal injuries occurred to boys, two of these were under sixteen years of age and another was sixteen. When these figures are compared with earlier experience in Illinois and other states, the percentages of fatal and permanent injuries are found to be high. Miriam Noll's investigation showed that 0.7 per cent of all injuries occurring to minors under eighteen years of age in Illinois in 1923 resulted in death and 18.0 per cent caused permanent partial injuries, including disfigurements.² The early Children's Bureau studies (period covered in Wisconsin and New Jersey was July 1, 1919 to June 30, 1920--in Massachusetts it was July 1, 1921 to June 30, 1922) of industrial accidents to minors in these states show that the percentages of injuries which resulted in serious injuries was lower than they were in Illinois in 1933.³ Thus, the percentages of injuries

¹A permanent partial injury is one involving the loss of or loss of use of one or more bodily members. A disfigurement is a permanent disfiguring injury to the head, face, hands, or neck, according to the Illinois Workmen's Compensation Act. An amendment adopted in 1936 provided for the inclusion of the neck as an area compensable for disfigurement (Illinois Session Laws, 1936, pp. 11-29).

²Miriam Noll, Accidents to Employed Minors in Illinois, Bulletin No. 1, Illinois Bureau of Labor Statistics (Illinois Department of Labor, 1927), p. 36.

³Edith S. Gray, Industrial Accidents to Employed Minors in Wisconsin, Massachusetts, and New Jersey, U. S. Children's Bureau Pub. No. 152 (Washington: Government Printing Office, 1926), pp. 5, 27, 47.

TABLE 4
 AGES OF EMPLOYED MINORS SUSTAINING INJURIES IN SPECIFIED
 INDUSTRIES OR OCCUPATIONAL GROUPS IN ILLINOIS
 IN 1933, BY AGE GROUPS

Industry or Occupational Group	Minors Injured in Work Accidents								
	Total	Age in Years							
		Under 14	14	15	16	17	18	19	20
All industries	1,233	6	8	7	41	76	284	378	433
Building and construction.	42	..	..	..	2	..	8	15	17
Extraction of minerals ...	88	..	..	1	4	4	17	26	36
Manufacturing	601	..	..	2	18	43	132	188	218
Chemical products	24	..	..	..	..	1	3	9	11
Clothing	32	..	..	..	1	5	7	9	10
Electrical supplies	38	..	..	..	..	2	10	11	15
Food and allied products.	152	..	..	..	4	9	40	46	53
Leather products	24	..	..	..	1	1	7	10	6
Lumber and furniture	41	..	..	1	..	4	8	16	12
Metal products	148	..	..	..	5	7	30	45	61
Paper manufacture and printing	61	..	..	..	4	6	8	19	24
Textile	11	..	..	..	..	1	4	4	2
Other	70	..	..	1	3	7	15	19	25
Trade	286	5	6	2	11	18	74	87	83
Transportation and com- munication	64	..	..	1	3	4	13	21	22
Domestic and personal service	93	..	..	..	1	3	24	26	39
Recreation and amusement .	24	1	2	..	1	3	4	4	9
Miscellaneous	27	..	..	1	1	1	9	9	6
Not reported	8	..	..	..	..	..	3	2	3

TABLE 5
EXTENT OF DISABILITY FROM INDUSTRIAL INJURIES TO MINORS
OF SPECIFIED AGE AND SEX IN ILLINOIS IN 1933

Age and Sex	Minors Injured in Work Accidents							
	Total	Extent Not Reported	Extent of Disability					
			Total Reported	Fatal	Permanent Partial		Temporary	
				Num-ber	Num-ber	Per Cent	Num-ber	Per Cent
Total.....	1,233	12	1,221	10	298 ^a	24.4	913 ^b	74.8
Both sexes.....	1,233	12	1,221	10	298	24.4	913	74.8
Under 16 years.....	20	1	20	2	8	c	10	c
16 and 17 years....	117	2	115	1	21	c	93	80.9
18,19,and 20 years.	1,095	9	1,086	7	269	24.8	810	74.6
Males.....	918	8	910	9	210	23.0	691	76.0
Under 16 years.....	20	1	19	2	7	c	10	c
16 and 17 years....	92	2	90	1	20	c	69	76.7
18,19,and 20 years.	806	5	801	6	183	22.8	612	76.4
Females.....	315	4	311	1	88	28.3	222	71.4
Under 16 years.....	..	..	1	..	1	c	..	..
16 and 17 years....	25	..	25	..	1	c	24	c
18,19,and 20 years.	289	4	285	1	86	30.2	198	69.4

^aIncludes 46 cases of compensable disfigurement.

^bIncludes 4 cases of temporary partial disability.

^cPercentages are not shown for less than 25 cases.

causing death were: Wisconsin, 0.5; Massachusetts, 0.4; New Jersey, 0.7; while those causing permanent injuries were: Wisconsin, 11.3; Massachusetts, 5.0; and New Jersey, 24.9.¹ The Children's Bureau's more recent studies of accidents to illegally employed minors in Wisconsin and Indiana revealed that in Wisconsin and in Indiana 1.0 per cent of the injuries suffered resulted in death, while 15.0 per cent of the injuries to minors in Wisconsin and 5.0 per cent to those in Indiana caused permanent partial disabilities.²

For the six year period 1926-1931, the proportion of deaths to the number of accidents to children under sixteen years of age reported in specified years to the Industrial Commission was less than the percentage of fatal accidents occurring to children of those ages in 1933. Although the figures are computed on different statistical bases, those for 1926-1931 on accidents reported to the Industrial Commission in a given year regardless of the year of occurrence and those for 1933 on accidents occurring in that year, making comparisons precarious, it is nevertheless important to note that approximately 1.0 per cent of the 21 accidents that occurred to children under sixteen in 1933 resulted in death while in 1926, 0.6 per cent of the 89 accidents reported for children under sixteen resulted in death; in 1927, 0.8 per cent of 75; in 1928, 0.2 per cent of 101; in 1929, 0.1 per cent of 153; in 1930, 0.3 per cent of 95; and in 1931, 0.8 per cent of 39 accidents to children under sixteen years of age resulted in death.³

As Table 5 indicates, in 1933, the proportion of fatal and permanent injuries among the children under sixteen years of age⁴ who were the victims of industrial accidents was much higher than for the older age groups.⁵ Of the total number of minors

¹ Ibid.

² E. N. Matthews, The Illegally Employed Minor and the Workmen's Compensation Law, U. S. Children's Bureau Pub. No. 214 (Washington: Government Printing Office, 1932), pp. 93, 163.

³ The Illinois Department of Labor, The Labor Bulletin, April, 1927, p. 456; April, 1928, p. 159; April, 1929, p. 161; April, 1931, pp. 187, 211.

⁴ The small number of cases in the under sixteen and in the sixteen-seventeen year old groups, 20 and 115 respectively, in comparison with 1,086 cases in the eighteen-twenty year old group, lessens, statistically, the value of the percentage comparisons in this paragraph.

⁵ Studies of work accidents occurring to minors under

injured in each respective age group, 10.0 per cent of those under sixteen years of age, 0.9 per cent of those sixteen and seventeen, and only 0.6 per cent of those eighteen, nineteen, and twenty years old died as a result of work accidents. Permanent injuries were sustained by 40.0 per cent of the minors under sixteen years of age, 18.2 per cent of those sixteen and seventeen, and 24.8 per cent of those eighteen, nineteen, and twenty years of age who suffered compensable injuries. In the under sixteen and in the sixteen and seventeen year old groups none of the fatal injuries and only two of those who suffered 29 permanent injuries were girls. In the eighteen, nineteen, and twenty year old group only one of the seven fatalities occurred to a girl, but while 30.2 per cent of the injured girls of those ages sustained permanent injuries, only 24.8 per cent of the boys of the same age group were injured to the same extent. For the group as a whole (all under twenty-one years) 28 per cent of the 311 girls and only 23 per cent of the 910 boys suffered permanent injuries, which finding is contrary to expectation in that it is usually assumed that boys are exposed to more hazardous risks with more serious accidents in consequence than are girls.¹

The high proportion of serious injuries suffered by children under sixteen years of age is evidence of the need not only for the existing protective legislation and for its rigid enforcement,² but for an extension of the scope of the Illinois Child

eighteen in Illinois in 1923 and in 1927, 1928, and 1929 revealed similar findings (see, Noll, op. cit., pp. 9, 36, and The Labor Bulletin, November, 1930, pp. 83-88). In the Children's Bureau study of illegally employed minors in Wisconsin, it was also discovered that the proportion of serious injuries was highest for the under sixteen age group (see, Matthews, op. cit., pp. 92-93). However, findings of earlier Children's Bureau studies revealed very slight differences of the extent of injuries for the different age groups in Wisconsin and Massachusetts, while in New Jersey the older age groups showed higher percentages of serious injuries (see, Gray, op. cit., pp. 5, 27, 47).

¹Matthews, op. cit., p. 94. Miss Matthews accepts this view, basing her acceptance upon the findings of a Children's Bureau study (made in 1920) of minors injured in Wisconsin. Only slight variations in the extent of injuries between the sexes was revealed in the Children's Bureau studies in Wisconsin, New Jersey and Massachusetts (boys, however, both absolutely and relatively suffered more fatal injuries). See, Gray, op. cit., pp. 5, 26-27, 46-47.

²Matthews, op. cit., p. 92, points out that when the protection offered by the child labor law fails to operate, the results are disastrous to the children who need its protection.

Labor Law to very young children not covered by it, especially as to include newsboys and other children engaged in occupations in which children are exposed to traffic hazards or to the dangers which accompany riding in motor vehicles.¹

Table 6 shows the time lost from work by employees who suffered permanent injuries. More than 61 per cent of these were disabled for thirty-one days or longer--12.3 per cent for twelve weeks or longer.

Of the 298 minors who suffered permanent injuries, 57.0 per cent were employed in manufacturing; 19.1 per cent, in trade; and 10.4 per cent, in the extraction of minerals. Table 7 shows, however, that while 35.2 per cent of the minors injured in the extraction of minerals sustained permanent injuries, only 28.4 per cent of those injured in manufacturing and 20.3 of those injured in trade suffered permanent injuries. Within manufacturing the metal products industries were responsible for the largest number of permanent injuries. Moreover, a greater proportion, 38.3 per cent of 146, of the accidents which occurred in the metal products industries resulted in permanent injuries than in any other occupational group.

As Table 8 shows, of the 1,187 minors whose injuries resulted in temporary total disabilities, 69.0 per cent were incapacitated less than thirty-one days; 26.6 per cent for from thirty-one days to twelve weeks; and 4.4 per cent for twelve weeks or longer.² Of the 308 accidents responsible for a loss of from thirty-one days to twelve weeks, 52.2 per cent occurred in manufacturing; 20.1 per cent in trade; 7.8 per cent in the extraction of minerals; 6.5 per cent in domestic and personal service; and the remainder in other occupational groups. Of the 567 accidents in manufacturing for which the duration of disability was reported 28.3 per cent resulted in temporary total disabilities of from thirty-one days to twelve weeks, as did 23.8 per cent of the accidents in trades and 29.6 per cent of those in the extraction of

¹The Labor Bulletin, in November, 1930, pp. 83-88.

²The Illinois Workmen's Compensation Act provides that compensation for temporary total disability is not paid for the first seven days of disability unless the disability endures for more than thirty days, in which event compensation is paid for the entire period of disability. When an injury totally incapacitates an employee for longer than sixty-four weeks, compensation becomes payable on the basis of a permanent rather than a temporary disability. Illinois Workmen's Compensation Act, sec. 8(b).

TABLE 6
DURATION OF TEMPORARY TOTAL DISABILITY FROM INJURIES OF SPECIFIED EXTENT SUSTAINED
BY EMPLOYED MINORS IN ILLINOIS, 1933

Duration of Temporary Total Disability	Minors Injured in Work Accidents							
	Total Re- ported	Extent of Disability						Temporary Total
		Total Reported		Permanent Partial		Number	Per Cent	
		Number	Per Cent	Number	Per Cent			
Total with temporary total disability.....	1,187 ^a	12	1,175	100.0	266 ^b	100.0	909	100.0
Total with duration reported.	1,159	3	1,156	100.0	251	100.0	905	100.0
Less than 8 days.....	18	2	16	c	12	c	4	c
8 days less than 31 days...	782	1	781	67.6	85	33.9	696	78.9
31 days less than 12 weeks.	308	..	308	26.6	123	49.0	185	20.4
12 weeks or longer.....	51	..	51	4.4	31	12.3	20	c
Duration not reported.....	28	9	19	..	15	..	4	..

^aExcluded from this table are 10 fatal cases and 36 cases involving no temporary total disability.

^bIncludes 34 cases of compensable disfigurement.

^cPercentages are not shown for less than 25 cases.

EXTENT OF DISABILITY FROM INJURIES SUSTAINED BY MINORS EMPLOYED IN SPECIFIED INDUSTRIES
OR OCCUPATIONAL GROUPS IN ILLINOIS IN 1933

Industry or Occupational Group	Total	Extent Not Re-ported	Extent of Disability					
			Total Reported	Fatal	Permanent Partial		Temporary Total	
					Number	Per Cent	Number	Per Cent
Total.....	1,233	12	1,221	10	298 ^a	24.4	913	74.8
Building and construction.....	42	1	41	1	6	b	34	82.9
Extraction of minerals.....	88	..	88	2	31	35.2	55	62.5
Manufacturing.....	601	4	597	2	170	28.4	425	71.2
Chemical products.....	24	..	24	1	7	b	16	b
Clothing.....	32	..	32	..	2	b	30	93.8
Electrical supplies.....	38	..	38	1	17	b	20	b
Food and allied products.....	152	..	152	..	24	b	128	84.2
Leather products.....	24	..	24	..	9	b	15	b
Lumber and furniture.....	41	1	40	..	13	b	27	67.5
Metal products.....	148	2	146	..	56	38.3	90	61.6
Paper manufacture & printing..	61	..	61	..	18	b	43	70.5
Textile.....	11	..	11	..	4	b	7	b
Other.....	70	1	69	..	20	b	49	71.0
Trade.....	286	5	281	4	57	20.3	220	78.2
Transportation & communication..	64	..	64	1	7	b	56	87.5
Domestic & personal service.....	93	2	91	..	18	b	73	80.2
Recreation & amusement.....	24	..	24	..	6	b	18	b
Miscellaneous.....	27	..	27	..	..	..	27	100.0
Not reported.....	8	..	8	..	3	b	5	b

^aIncludes 46 cases of compensable disfigurement.

^b Percentages are not shown for less than 25 cases.

TABLE 8

DURATION OF TEMPORARY TOTAL DISABILITY FROM INJURIES SUSTAINED BY MINORS EMPLOYED IN SPECIFIED INDUSTRIES OR OCCUPATIONAL GROUPS IN ILLINOIS IN 1933

Minors Sustaining Temporary Total Disabilities									
Industry or Occupational Group	Total	Dura- tion Not Re- ported Number	Duration of Disability						
			Less Than 31 Days		31 Days Less Than 12 Weeks		12 Weeks or More		
			Number	Per Cent	Number	Per Cent	Number	Per Cent	
Total ^a	1,187 ^a	28	1,159	69.0	308	26.6	51	c	
Building and construction.....	41	1	40	72.5	9	20.0	3	c	
Extraction of minerals.....	82	1	81	64.2	24	29.6	5	c	
Manufacturing.....	578	9	569	67.7	161	28.3	23	c	
Chemical products.....	22	..	22	16 ^c	6	c	..	..	
Clothing.....	32	..	32	78.1	6	c	1	c	
Electrical supplies.....	36	1	35	71.4	9	c	1	c	
Food and allied products.....	148	2	146	70.6	36	24.5	7	c	
Leather products.....	24	..	24	15 ^c	9	c	..	..	
Lumber and furniture.....	4	1	3	65.0	13	c	1	c	
Metal products.....	139	3	136	63.2	45	33.1	5	c	
Paper manufacture & printing.....	58	1	57	68.4	12	c	6	c	
Textile.....	11	1	10	6 ^c	4	c	..	..	
Other.....	67	..	67	65.7	21	c	..	..	
Trade.....	273	12	261	71.6	62	23.5	2	c	
Transportation & communication.....	63	..	63	60.3	19	c	6	c	
Domestic and personal service.....	91	4	87	74.7	20	c	2	c	
Recreation and amusement.....	24	1	23	19 ^c	4	c	..	..	
Miscellaneous.....	27	..	27	20 ^c	7	c	..	..	
Not reported.....	8	..	8	5 ^c	3	c	..	..	

^aExcluded from this table are 10 fatal cases and 36 cases in which the injury involved no temporary total disability.

^bIncludes 18 cases for which the disability extended less than eight days.

^cPercentages are not shown for less than 25 cases.

TABLE 9
DURATION OF TEMPORARY TOTAL DISABILITY FROM INJURIES
SUSTAINED IN WORK ACCIDENTS BY MINORS OF SPECI-
FIED AGE AND SEX IN ILLINOIS IN 1933

Age and Sex	Minors Sustaining Temporary Total Disabilities					
	Total	Duration Not Re-ported	Duration of Temporary Disability			
			Total Re-ported	Less than 31 Days	31 Days Less than 12 Weeks	12 Weeks or More
Both sexes	1,187 ^a	28	1,159	800 ^b	308	51
Under 16 years	17	4	13	5	6	2
16 and 17 years	113	5	108	71	31	6
18,19,20 years	1,057	19	1,038	724	271	43
Males	883	20	863	583	237	43
Under 16 years	16	4	12	4	6	2
16 and 17 years	88	5	83	52	25	6
18,19,20 years	779	11	768	206	35	11
Females	304	8	296	217	71	8
Under 16 years	1	..	1	1	..	..
16 and 17 years	25	..	25	19	6	..
18,19,20 years	278	8	270	197	65	8

^aExcluded from this table are ten fatal cases and thirty-six cases in which the injury involved no temporary total disability.

^bIncludes eight cases in which the temporary total disability was less than eight days duration.

minerals. The occupational distribution of the 51 accidents responsible for injuries totally disabling minors for twelve weeks, or more, was similar. Thus in manufacturing 23 accidents resulted in disabilities lasting twelve weeks or longer; in trade, 12 accidents so resulted; and in the extraction of minerals, 5.

Nature and Location of Injury

Cuts, punctures, and lacerations, as Table 10 shows, constituted 30.8 per cent of all injuries. Bruises accounted for 17.6 of all injuries, while infections, sprains and strains, fractures, and amputations followed in the order indicated.

Infections, which are of special interest because they usually indicate neglect or failure to provide proper medical care, developed in 10.8 per cent (133) of the cases, being secondary injuries to bruises in 41 cases, to burns in 5 cases, to cuts and lacerations in 48 cases, to punctures in 29 cases and to other injuries in 10 other cases. Infections resulted in one death, two compensable disfigurements, and in permanent impairment of body members in nine cases. One boy suffered the loss of sight in one eye as the result of infection; two minors suffered the permanent impairment of an arm; and six, of fingers. A total of 1,953 days were lost by 121 of the 133 minors because of temporary total disability resulting from infections.

How an infection may occur is illustrated by the case of an eighteen year old girl who got a sliver in her finger while employed as an inspector in a gasket factory. The company nurse treated it for nine days, before sending her to a physician. The latter then had to operate on the finger and to give her treatment for five months. The finger is permanently disfigured and sensitive. Another illustration is that of a boy employed as a grocery clerk, who worked three weeks after cutting his finger when he was taken to a hospital and subsequently died from the infection. A girl employed as a packer in a radio factory lacerated her left thumb on the edge of a label. An infection which developed disabled her for almost nine weeks and resulted in a permanent injury to the thumb.

As Table 11 shows, amputations, traumatic and surgical, were necessary in 74 cases. The hands or fingers of 68 boys and girls were amputated, 19 losing two or more fingers, 47 one finger, and two lost an entire hand. One of the two minors sustaining

TABLE 10
NATURE OF INJURIES SUSTAINED BY MINORS IN WORK
ACCIDENTS IN ILLINOIS IN 1933, BY SEX

Nature of Injury	Minors Injured in Work Accidents					
	Total		Male		Female	
	Number	Per Cent	Number	Per Cent	Number	Per Cent
All injuries	1,233	100.0	918	100.0	315	100.0
Bruises	217	17.6	179	19.5	38	12.1
Crushing	37	3.0	30	3.3	7	2.2
Cuts,punctures,lacerations	379	30.8	271	29.6	108	34.3
Amputations	74	6.0	55	6.0	19	6.0
Burns	56	4.5	40	4.3	16	5.1
Fractures	105	8.5	88	9.6	17	5.5
Dislocations	8	0.6	5	0.5	3	0.9
Sprains and strains	108	8.7	74	8.1	34	10.8
Hernia	22	1.8	22	2.5	..	..
Concussion	6	0.5	5	0.5	1	0.3
Inflammation	22	1.8	15	1.6	7	2.2
Infection	133	10.8	87	9.5	46	14.6
Other*	29	2.4	21	2.2	8	2.5
Not reported	37	3.0	26	2.8	11	3.5

*Includes two cases of freezing, four of blisters, and twenty-three miscellaneous injuries not otherwise classified.

TABLE 11

EXTENT OF DISABILITY FROM INJURIES OF A SPECIFIED NATURE
SUSTAINED BY EMPLOYED MINORS IN ILLINOIS IN 1933

Nature of Injury	Minors Injured in Work Accidents						
	Total	Extent Not Reported	Extent of Disability				
			Total Reported	Fatal	Permanent		Temporary ^b
					Partial	Dis-figure-ment	
All injuries	1,233	12	1,221	10	252	46	913
Bruises	217	1	216	..	20	5	191
Crushing	37	..	37	2	11	..	24
Cuts, punctures, lacerations	379	5	374	3	75	30	266
Amputations	74	..	74	..	74	..	..
Burns	56	..	56	..	2	5	49
Fractures	105	..	105	2	36	3	64
Dislocations	8	..	8	..	..	..	8
Sprains and strains	108	3	105	..	5	..	100
Hernia	22	..	22	..	2	..	20
Concussion	6	..	6	..	1	..	5
Inflammation	22	..	22	..	5	1	16
Infection	133	1	132	1	9	2	120
Other ^a	29	1	28	1	5	..	22
Not reported	37	1	36	1	7	..	28

^aIncludes two cases of freezing, four of blisters, and twenty-three miscellaneous injuries not otherwise classified.

^bIncludes four cases of temporary partial disability.

the loss of a hand was a nineteen year old girl, who had her "right hand ripped off" by a punch press she was feeding. The accident report filed by her employer gave the nature of injury as "crushing" and the duration of disability as 14 days. The seriousness of the injury became known to the Industrial Commission only when the girl initiated proceedings before it for compensation. A nineteen year old boy had his left hand crushed and cut to pieces by an embossing machine. A fifteen year old boy employed in a coal mine lost a leg and a twenty year old boy suffered the traumatic amputation of the left foot. A messenger boy, age sixteen years, who was seriously injured when an automobile struck his bicycle at a busy Chicago intersection, had his spleen removed surgically. For this injury he was compensated only for temporary total disability, because the schedule for specific losses does not provide for the loss of an internal organ such as the spleen. A nineteen year old waitress was cut by a knife in the right eyeball so severely that her eye had to be removed.

The fingers, hands, arms, and legs of these young people were the parts of the body most frequently injured. As Table 12 shows, 736, or 59.9 per cent, of all injuries were to arms and hands, while 257, or 20.9 per cent, were to the limbs. Injuries to the face and neck and other parts of the head were less frequent.

Table 12 shows that the nature of injury was not reported in 37 cases, which means that in these 37 cases a medical statement of the nature of injury was not reported to the Industrial Commission. In many more than these 37 cases there were no statements concerning the nature of the injury in the reports of accidents, although such information was theoretically required. In such cases information concerning the nature of the injury was often first disclosed when employers filed final reports and settlement receipts with the Industrial Commission or when papers in arbitration or other proceedings before the Commission were filed either by employees or employers. The case of the nineteen year old girl already referred to, who had her hand ripped off, is one in point.

A random selection from the 37 cases on which the nature of injury was not reported may illustrate the poor reporting and, perhaps, careless administration of the law. A twenty year old minor was granted compensation for 30 per cent loss of the use of

TABLE 12
LOCATION AND NATURE OF INJURIES SUSTAINED BY
EMPLOYED MINORS IN ILLINOIS IN 1933

Nature of Injury	Minors with Work Accidents							
	Total	Location of Injury						
		Head	Face and Neck	Trunk	Upper Extremities	Lower Extremities	General	Not Reported
All injuries	1,233	50	29	99	736	257	58	4
Bruises	217	5	5	22	85	81	19	..
Crushing	37	..	..	..	28	7	2	..
Cuts, punctures, lacerations.	379	24	11	4	291	35	13	1
Amputation	74	1 ^a	..	2	68	3	..	..
Burns	56	1	7	..	24	14	10	..
Fractures	105	3	3	6	59	33	1	..
Dislocations	8	..	..	..	3	5	..	..
Sprains and strains	108	..	1	28	24	50	5	..
Hernia	22	..	..	22	..	..	..	..
Concussion	6	4	..	1	1	..	..	..
Inflammation	22	3	..	1	10	7	1	..
Infection	133	1	1	..	119	11	1	..
Other ^b	29	4	..	7	8	5	5	..
Not reported	37	4	1	6	16	6	1	3

^aEye enucleated.

^bIncludes two cases of freezing, four of blisters, and twenty-three miscellaneous injuries not otherwise classified.

his left hand, 5 per cent loss of use of his left foot, and twenty-two weeks payment for temporary total incapacity. Although there was a statement in the employer's report to the effect that he fell down an elevator shaft, there was no description of the nature of the injury. A sixteen year old employee in a coal mine had his "left hand injured"; a seventeen year old boy with a reported disability of more than six weeks is reported to have "injured rt. knee"; an eighteen year old miner sustained an "injured spine"; the nature of injury for another eighteen year old miner was reported as "rt. eye" while "pain and stiffness rt. knee" is the extent of a report on the injury for a girl with a reported disability of seventeen weeks. A manufacturer in Cook County, who apparently employs many girls, consistently failed to report descriptions of the nature of the injuries they sustained. A nurse and not a physician sent in reports like the following: "1st phalange left hand distal phalanx," "left foot and toes," "2nd phalange distal phalanx left hand ventral surface." Such reporting sounds technical and may by some stretch of the imagination make possible a guess as to the approximate location of the injury, but that is all.

Because compensation is definitely tied up with the nature of the injury sustained, better reporting than is here illustrated seems essential. The Illinois Workmen's Compensation Act requires that accident reports state "the character of the injury."¹ Obviously this requirement was not being met by the employers of injured minors. The law does not require supplementary reports concerning the nature of the injury except in cases which eventuate or tend to result in permanent injury. The law does not require reports, initial or follow-up, from physicians, but in practice, especially when the accident is handled by insurance companies, physicians send in the accident reports. The requirement of complete medical reports by physicians may do more than assist the commission's statistician; what is more significant it may give some assurance of adequate medical care. No matter what requirements are specified in the statute as to who shall report and what must be reported, the calibre of the reports and records will in the end reflect the efficiency of the administrative agency.

¹Illinois Workmen's Compensation Act, sec. 30.

Causes of Work Accidents to Minors
in Illinois in 1933¹

Minors Injured in Accidents Caused by Machinery

Machinery was, as Table 13 shows, the most frequent cause of the 1,233 compensable injuries to minors in Illinois in 1933, being responsible for 324, or 26.3 per cent, of all injuries. Handling objects, the next most frequent causes was responsible for 228, or 18.5 per cent, of the injuries; falls of persons caused 140, or 11.3 per cent; while vehicular accidents accounted for 131, or 10.6 per cent.

Not only was machinery the most common cause of injuries, but it was responsible for 51.3 per cent of all permanent injuries and for 38.8 per cent of all injuries resulting in temporary total disability extending longer than thirty-one days. This position of relative predominance among the causes of injuries is typical, however. Quite unusual is the fact that none of the ten fatal injuries resulted from accidents caused by machinery. The studies of the Children's Bureau in Wisconsin, Massachusetts, New Jersey, and Indiana, as well as Miriam Noll's study in Illinois, also showed that the modern machinery is the principal cause of injury, except in the matter of fatalities. In the first of the studies of accidents to minors made by the Children's Bureau in Wisconsin, Massachusetts, and New Jersey, from one-sixth to one-third of the fatal injuries were caused by machinery, while in the studies made in Wisconsin and Indiana machinery caused six of the thirteen deaths in Wisconsin and one of the three in Indiana.² Miss Noll's study revealed that two of the twelve fatal injuries to minors in Illinois in 1923 resulted from machine accidents. In 1923, the year

¹The classification of causes used in these tabulations is a reduction of the code used by the Division of Statistics and Research of the Illinois Department of Labor, which code is basically the classification devised by the International Association of Industrial Accidents Boards and Commissions and which was published by the United States Bureau of Labor Statistics in 1920 as Bulletin No. 276, Standardization of Industrial Accident Statistics (Washington: Government Printing Office, 1920). See especially pp. 33-51 of the latter publication.

²Gray, Industrial Accidents to Employed Minors in Wisconsin, Massachusetts, and New Jersey, U. S. Children's Bureau Pub. No. 152 (Washington: Government Printing Office, 1926), pp. 9, 31, 50, 95, 99, 103; Matthews, The Illegally Employed Minor and the

TABLE 13

NUMBER AND PERCENTAGES OF MINORS SUSTAINING INJURIES
IN WORK ACCIDENTS IN ILLINOIS IN 1933, BY
SPECIFIED CAUSE OF INJURY

Cause of Injury	Minors Sustaining Industrial Injuries					
	Total		Male		Female	
	Num- ber	Per Cent	Num- ber	Per Cent	Num- ber	Per Cent
All causes	1,233	100.0	918	100.0	315	100.0
Accidents due to machinery ...	324	26.3	222	24.2	102	32.4
Prime movers and transmis- sion apparatus	9	0.7	5	0.5	4	1.3
Working machinery	288	23.4	194	21.2	94	29.9
Metal working	102	8.3	63	6.9	39	12.5
Food products	64	5.2	44	4.8	20	6.4
Woodworking	28	2.3	27	3.0	1	0.3
Textile	19	1.5	8	0.9	11	3.5
Printing	19	1.5	16	1.7	3	0.9
Paper products	18	1.5	12	1.3	6	1.9
Leather	14	1.1	11	1.2	3	0.9
Other	24	1.9	13	1.4	11	3.5
Other than working machinery.	6	0.5	4	0.4	2	0.6
Elevators and hoisting ap- paratus	21	1.7	19	2.1	2	0.6
Accidents not due to machinery	887	71.9	684	74.5	203	64.4
Other than vehicles	756	61.3	556	60.6	200	63.5
Handling objects	228	18.5	164	17.9	64	20.4
Falls of persons	140	11.3	87	9.5	53	16.9
Falling objects	108	8.8	93	10.2	15	4.7
Stepping on or striking against objects	108	8.8	79	8.6	29	9.2
Hand tools	91	7.4	72	7.8	19	6.0
Fires, explosions, hot or corrosive substances	64	5.2	45	4.9	19	6.0
Miscellaneous	17	1.4	16	1.7	1	0.3
Vehicles	131	10.6	128	13.9	3	0.9
Automobiles and motor trucks	67	5.4	66	7.2	1	0.3
Mine and quarry cars	27	2.9	27	2.9	..	..
Bicycles	19	1.5	19	2.1	..	..
Other vehicles	18	1.5	16	1.7	2	0.6
Not reported	22	1.8	12	1.3	10	3.2

covered by Miss Noll's study, four of the twelve fatalities suffered by minors in work accidents were caused by vehicles, while in 1933 four of the ten deaths were so caused.¹ In both years vehicles were responsible for more deaths than any other cause. Other causes of fatal injuries in 1933 in Illinois were: a gun shot wound, an explosion, a falling object, a hand tool, and handling a knife, each being responsible for one fatal injury.

Machinery used directly in manufacturing or processing a product, such as metal or leather working, or meat grinding,² was responsible for 288 injuries, which number represented 90 per cent of all injuries due to machinery and 23.4 per cent of the injuries due to all causes (Table 13). Elevators and hoisting apparatus were responsible for 21 of the 324 machine accidents; transmission apparatus, such as pulleys, shaftings, and belts, for nine; and machines other than working machines, such as ventilating and exhaust fans, for six.

According to Table 14, of the 268 machine accidents for which the manner of occurrence was reported, 191 (71.2 per cent) occurred in connection with the operation or feeding of machines; 27, cleaning and oiling; 23, starting or stopping; and 19, in adjusting machinery. In five of the accidents the clothing of the children was caught in some part of the machine, three were due to the breaking of machinery or material, for example the breaking of the clutch spring on a punch press or of the needle of a sewing machine.

Two of the accidents due to machinery occurred in mining; two, in building and construction; 277, in manufacturing; 11, in domestic and personal service; and the others occurred to children employed in transportation and communication and in recreation.

Workmen's Compensation Law, U. S. Children's Bureau Pub. No. 214 (Washington: Government Printing Office, 1932), pp. 98, 169.

¹Noll, Accidents to Employed Minors in Illinois, Bulletin No. 1, Illinois State Department of Labor, Industrial Commission, 1927, p. 41. The Children's Bureau's report on illegally employed minors in Wisconsin and Indiana showed the seriousness of vehicular accidents in those states (see Matthews, op. cit., pp. 98, 169).

²Designated in the standard classification of causes as "working machinery" and hereinafter referred to as such.

TABLE 14
 MANNER OF OCCURRENCE OF MACHINERY
 ACCIDENTS SUSTAINED BY EMPLOYED
 MINORS IN ILLINOIS IN 1933

Manner of Occurrence	Number	Per Cent
Total reported	268	100.0
Operating or feeding machinery	191	71.2
Cleaning or oiling machinery	27	10.0
Starting or stopping machinery	23	8.5
Adjusting machine, tool, or work	19	7.1
Breaking of machinery or work	3	1.1
Caught by loose clothing in machinery.	5	1.8

Accidents due to working machinery¹

As Table 13 shows, of the 288 minors whose injuries were caused by working machines, 194 were boys and 94 were girls. Only three of these young employees were under sixteen years of age, 30 were sixteen and seventeen, while all others were eighteen or older.

While accidents from working machines did not result in any deaths, they did cause a disproportionate number of serious accidents. Although responsible for only 23.4 per cent of all accidents to minors, as Table 13 shows, working machines were the cause of 49.8 per cent of all permanent injuries (Table 15). According to Table 24 of the total amount of compensation granted to all injured minors in 1933, 32.3 per cent was awarded to those who were injured while at work on this type of machinery. The extensive duration of disability of the injuries suffered by 106 minors who were, as Table 19 shows, incapacitated for thirty-one days or longer further indicates the seriousness of a high percentage of the accidents caused by working machines.

Metal working machines.--Metal working machines ranked first in the number and in the seriousness of the accidents caused by working machines, being responsible for 102, or 35.4 per cent, of the 288 accidents and for 59, or 41.5 per cent, of the 142 permanent injuries resulting from that type of accident (Table 15). As Table 13 shows, 63 of the minors injured in connection with metal working machines were boys and 39 were girls. Thirteen of these young workers were, according to Table 17, under eighteen years of age: eight were seventeen years of age; four, sixteen; and one, fifteen.

Presses, 44 of which were punch presses. were responsible for 60, or 58.8 per cent, of the 102 accidents in this category. Abrasive wheels were the causes in two accidents; lathes, in two; and milling machines, in four. A miscellany of metal working machines, such as eyelet machines, hinging machine, and riveters, were responsible for the other 34 accidents in this group. Presses were responsible for amputations in 19 cases, for cuts and lacerations in 20 cases, and for crushing injuries in eight cases.

¹Machinery directly manufacturing or processing a product, such as metal or leather working, or meat grinding (see U. S. Bureau of Labor Statistics, Pub. No. 276, Standardization of Industrial Accident Statistics, pp. 32-36).

TABLE 15

EXTENT OF DISABILITY FROM INJURIES SUSTAINED BY EMPLOYED MINORS IN
ILLINOIS IN 1933, ACCORDING TO SPECIFIED CAUSE

Minors Sustaining Injuries									
Cause of Injury	Total	Extent Not Reported	Extent of Disability						
			Total Reported	Fatal Number	Permanent Partial		Temporary Total		
					Number	Per Cent	Number	Per Cent	
All causes.....	1,233	12	1,221	10	298 ^a	24.4	913	74.8	
Accidents due to machinery...	324	3	321	..	153	47.7	168	52.3	
Prime movers and transmis-	9	..	9	..	4	b	5	b	
sion apparatus.....	288	3	285	..	142	49.8	143	50.2	
Working machinery.....	102	1	101	..	59	58.5	42	41.5	
Metal working.....	64	2	62	..	27	43.5	35	56.5	
Food products.....	28	..	28	..	13	b	15	b	
Woodworking.....	19	..	19	..	5	b	14	b	
Textile.....	19	..	19	..	8	b	11	b	
Printing.....	18	..	18	..	7	b	11	b	
Paper products.....	14	..	14	..	9	b	5	b	
Leather.....	24	..	24	..	14	b	10	b	
Other.....	6	..	6	..	..	..	6	b	
Other than working machin-	21	..	21	..	7	b	14	b	
ery.....	887	8	879	10	142	16.2	727	82.7	
Elevators and hoisting ap-									
paratus.....									
Accidents not due to machin-									
ery.....									

Minors Sustaining Injuries									
Cause of Injury	Total	Extent Not Reported	Extent of Disability						
			Total Reported	Fatal	Permanent		Partial		
					Number	Per Cent	Number	Per Cent	
Other than vehicles.....	756	6	750	6	116	15.5	628	83.7	
Handling objects.....	228	1	227	1	41	18.3	185	81.5	
Falls of persons.....	140	2	138	..	18	b	120	86.9	
Falling objects.....	108	1	107	1	17	b	89	83.2	
Stepping on or striking against objects.....	108	1	107	..	13	b	94	87.9	
Hand tools.....	91	..	90	1	15	b	75	82.4	
Fires, explosions, hot or corrosive substances...	64	1	63	1	8	b	54	85.7	
Miscellaneous.....	17	..	17	2	4	b	11	b	
Vehicles.....	131	2	129	4	26	20.2	99	76.7	
Automobiles and motor trucks.....	67	2	65	2	8	b	55	84.6	
Mine and quarry cars.....	27	..	27	2	12	b	13	b	
Bicycles.....	19	..	19	..	4	b	15	b	
Other vehicles.....	18	..	18	..	2	b	16	b	
Not reported.....	22	1	21	..	3	b	18	b	

^a Includes 46 cases of compensable disfigurement.

^b Percentages are not shown for less than 25 cases.

TABLE 16
NUMBER OF MINORS SUSTAINING INJURIES FROM SPECIFIED
TYPES OF WORKING MACHINES IN ILLINOIS, 1933

Type of Working Machine	Minors Injured by Working Machinery	
	Number	Per Cent
Total	288	100.0
Metal working	102	35.4
Abrasive wheels	2	0.7
Presses	60	20.8
Lathes	2	0.7
Milling machines	4	1.4
Other	34	11.8
Woodworking	28	9.8
Saws	14	4.9
Planing and molding	6	2.1
Other	8	2.8
Paper products	18	6.2
Printing	19	6.6
Food products	64	22.2
Baking	15	5.2
Confectionery	20	6.9
Meat products	21	7.3
Other	8	2.8
Leather working	14	4.9
Textile	19	6.6
Miscellaneous	24	8.3

TABLE 17

MINORS SUSTAINING INJURIES IN WORK ACCIDENTS FROM SPECIFIED
CAUSES IN ILLINOIS IN 1933, BY AGE GROUPS

Cause of Injury	Minors Sustaining Industrial Injuries								
	Total	Age in Years							
		Under 14	14	15	16	17	18	19	20
All causes	1,233	6	8	7	41	76	284	378	433
Accidents due to machinery..	324	1	..	4	9	22	83	112	93
Prime movers and trans- mission apparatus	9	..	..	..	..	..	2	4	3
Working machinery	288	..	..	3	9	21	73	98	84
Metal working	102	..	..	1	4	8	25	34	30
Food products	64	..	..	1	3	2	20	26	12
Woodworking	28	..	..	1	..	3	7	7	10
Textile	19	..	..	..	..	2	7	5	5
Printing	19	..	..	..	..	1	4	5	9
Paper products	18	..	..	..	..	2	4	7	5
Leather	14	..	..	..	..	1	3	9	1
Other	24	..	..	..	2	2	3	5	12
Other than working machin- ery	6	..	..	..	..	1	3	1	1
Elevators and hoisting ap- paratus	21	1	..	1	..	..	5	9	5
Accidents not due to ma- chinery	887	5	8	3	32	54	196	258	331
Other than vehicles	756	2	5	1	19	44	177	218	290
Handling objects	228	1	..	..	4	21	53	63	86
Falls of persons	140	..	3	..	4	8	30	39	56
Falling objects	108	1	1	..	5	3	27	28	43
Stepping on or striking against objects	108	..	..	..	4	4	30	36	34
Hand tools	91	..	..	1	1	3	19	32	35
Fires, explosions, hot, or corrosive substances ...	64	..	..	..	..	4	17	16	27
Miscellaneous	17	..	1	..	1	1	1	4	9
Vehicles	131	3	3	2	13	10	19	40	41
Automobiles and motor trucks	67	1	2	..	9	4	12	18	21
Mine and quarry cars	27	..	..	1	1	..	3	11	11
Bicycles	19	2	1	1	3	6	1	3	2
Other vehicles	18	..	..	..	..	..	3	8	7
Not reported	22	..	..	..	..	..	5	8	9

Metal working machines caused an excessively disproportionate number of serious accidents. While 58.5 per cent of the accidents caused by metal working machines resulted in permanent injuries, only 24.4 per cent of all 1,221 injuries for which the extent of injury was reported were that serious (Table 15). Of the accidents for which metal working machines were responsible 35.0 per cent as compared with 6.2 per cent of all the accidents resulted in amputations. Although, as Table 18 shows, only 28.8 per cent of all 1,196 accidents for which the nature of injury was reported resulted in cuts and lacerations, 37.0 per cent of all metal working machine accidents resulted in cuts and lacerations. Metal working machines were further responsible for 13 crushing injuries and 6 fractures.

The duration of temporary total disability resulting from metal working machine accidents was from thirty-one days to twelve weeks in 36 cases and for longer than twelve weeks in 5 cases. Most of these instances of extensive duration of temporary total disability were also permanent injury cases.

According to Table 24, slightly more than half, \$19,984.35, of the gross compensation granted for 286¹ working machine accidents was granted for 101 injuries caused by metal working machines.

Accounts of the more serious accidents caused by metal working machines follow.

A 19 year old girl of Polish parents, employed as a punch press operator, had her hand ripped off when it was caught in a punch press. She was in a hospital for one week and three days and then was under a physician's care for eight weeks. This girl petitioned for a lump sum payment soon after an arbitrator had awarded her \$105.00 for temporary total disability, \$1,275.00 for loss of the right hand, and \$40.00 for medical care, a total of \$1,420.00. Her petition read in part as follows: "girl has a fiancée and is awaiting payment of money in order to get married, and to establish a home. Because of the entire loss of the right hand, her chances of marriage are jeopardized unless she is married at this time, and it will be serving the ends of justice if a lump sum is paid immediately." Three Commissioners thought it to the best interests of the parties to order the payment of \$750.00 in a lump sum and so ordered.

When interviewed two years later, this girl who was very conscious of her crippled hand, said she was considerably bothered by it, and that the slightest blow resulted in severe pains. She deplored her inability to get employment or to do all of her house-work or to play the piano or to sew.

¹Two were granted no compensation, although their right to it was recognized by the Industrial Commission.

TABLE 18

NATURE OF INJURIES SUSTAINED BY EMPLOYED MINORS IN ILLINOIS IN 1933, ACCORDING TO SPECIFIED CAUSE

Cause of Injury	Minors Sustaining Injuries of Specified Nature														
	Total	Nature Not Reported	Total Re-ported	Bruises	Crushing	Cuts and Lacerations	Punctures	Amputations	Burns	Fractures and Dislocations	Sprains and Strains	Hernia	Inflammation	Infection	Others ^a
All causes.....	1,233	37	1,196	217	37	345	34	74	56	113	108	22	22	133	35
Accidents due to machinery.....	324	6	318	35	22	144	9	61	2	28	4	..	1	10	2
Prime movers and transmission apparatus.....	9	..	9	2	1	5	..	..	..	..	1	..	..	..	..
Working machinery.....	288	3	285	27	21	134	..	59	2	22	1	..	1	10	1
Metal products.....	102	2	100	4	13	37	..	35	..	7	..	..	1	2	1
Food products.....	64	..	64	5	2	43	1	9	..	3	..	..	..	1	..
Woodworking.....	28	..	28	6	1	14	1	4	..	1	..	..	..	1	..
Textile.....	19	1	18	3	2	5	4	1	1	3	1	..	..	1	..
Printing.....	19	..	19	4	2	8	..	1	..	1	1	..	..	2	..
Paper products.....	18	..	18	3	2	7	..	2	..	4	..	..	..	1	..
Leather.....	14	..	14	2	1	8	..	4	..	..	..	..	..	2	..
Other.....	24	..	24	1	..	12	1	3	1	3	1	..	..	..	..
Other than working machinery.....	6	..	6	1	..	2	1	..	..	1	1	..	..	..	..
Elevators and hoisting ap- paratus.....	21	3	18	5	..	3	1	2	..	5	1	..	..	..	1
Accidents not due to machinery.....	887	29	858	182	15	200	22	12	54	83	102	22	21	114	31
Other than vehicles.....	756	24	732	143	12	171	19	6	52	57	92	22	20	111	27
Handling objects.....	228	8	220	22	3	55	7	1	..	9	32	21	5	59	6

Cause of Injury	Minors Sustaining Injuries of Specified Nature														
	Total	Nature Not Reported	Total Re-ported.	Bruises	Crushing	Cuts and Lacerations	Punctures	Amputations	Burns	Fractures and Dislocations	Sprains and Strains	Hernia	Inflammation	Infection	Other ^a
Falls of persons.....	140	9	131	42	..	13	..	..	2	24	40	1	2	2	5
Falling objects.....	108	4	104	47	8	20	..	1	..	18	4	..	1	4	1
Stepping on or striking against objects.....	108	2	106	18	1	28	7	2	..	1	14	..	6	24	5
Hand tools.....	91	1	90	13	..	47	3	2	..	4	1	..	1	15	4
Fires, explosions, hot, or corrosive substances.....	64	..	64	1	..	3	..	..	50	..	..	..	4	6	..
Miscellaneous.....	17	..	17	..	..	5	..	..	2	26	10	..	1	1	4
Vehicles.....	131	5	126	39	3	29	3	6	2	1	8	..	1	3	..
Automobiles and motor trucks.....	67	3	64	17	..	22	1	..	1	11	8	..	1	2	1
Mine and quarry cars.....	27	..	27	9	2	4	1	4	1	6	..	..	..	..	..
Bicycles.....	19	..	19	6	1	1	..	1	..	6	2	..	..	1	..
Other vehicles.....	18	2	16	7	1	2	1	1	..	3	..	..	..	..	2
Not reported.....	22	2	20	..	..	1	3	1	..	2	2	..	..	9	12

^aIncludes six cases of concussion, two of freezing, four of blisters, and twenty-three miscellaneous injuries not otherwise classified.

TABLE 19

DURATION OF TEMPORARY TOTAL DISABILITY FROM INJURIES
SUSTAINED BY EMPLOYED MINORS IN ILLINOIS IN
1933, ACCORDING TO SPECIFIED CAUSE

Cause of Injury	Minors Sustaining Temporary Total Disabilities					
	Total	Duration Not Reported	Duration of Disability			
			Total Re- ported	Less Than 31 Days	31 Days Less Than 12 Weeks	12 Weeks or More
All causes	1,187 ^a	28	1,159	800 ^b	308	51
Accidents due to machinery ...	311	4	307	188	106	13
Prime movers and transmis- sion apparatus	7	..	7	7	..	..
Working machinery	277	4	273	167	96	10
Metal working	97	..	97	56	36	5
Food products	63	4	59	37	20	2
Woodworking	27	..	27	15	12	..
Textile	19	..	19	15	4	..
Printing	18	..	18	10	5	3
Paper products	17	..	17	12	5	..
Leather	14	..	14	8	6	..
Other	22	..	22	14	8	..
Other than working machinery.	6	..	6	3	3	..
Elevators and hoisting ap- paratus	21	..	21	11	7	3
Accidents not due to machinery	854	23	831	595	198	38
Other than vehicles	729	16	713	526	162	25
Handling objects	218	4	214	161	49	4
Falls of persons	138	4	134	81	43	10
Falling objects	105	2	103	77	23	3
Stepping on or striking against objects	107	4	103	82	15	6
Hand tools	88	..	88	67	21	..
Fires, explosions, hot, or corrosive substances	59	1	58	48	9	1
Miscellaneous	14	1	13	10	2	1
Vehicles	125	7	118	69	36	13
Automobiles and motor trucks	63	4	59	41	12	6
Mine and quarry cars	25	1	24	12	8	4
Bicycles	19	2	17	5	10	2
Other vehicles	18	..	18	11	6	1
Not reported	22	1	21	17	4	..

^aExcluded from the total are ten fatal cases and thirty-six cases involving no temporary total disability.

^bEighteen cases involved disabilities of less than eight days.

The left hand of a 19 year old boy, employed as a feeder on an embossing machine, was crushed, when it was caught between the die and the plate. In arbitration proceedings, he was awarded \$37.50 for temporary total disability, \$1,725.00 for the loss of the left hand, and \$150.00 for medical services, a total of \$1,875.00. The employer is reported to have paid \$210.00 for his hospital and medical services. In January, 1936, the last receipt in the files of the Industrial Commission for compensation paid this boy was dated June 8, 1935. Up to that time only \$750.00 had been paid. No inquiry had been made concerning the stoppage of payment by the Accident Report Division.

A Polish girl, whose age was reported by her employer as 19 but who was 17 years of age, was injured on the second day of her first job. She had just graduated from high school, having completed a business course, when she obtained this job as punch press operator for a metal manufacturing establishment, at \$0.15 an hour. The first and second fingers of her right hand were caught in a die and were cut off up to the second joint. The employer furnished hospital care for nine days and physician's care for four weeks. She received \$562.50 for the loss of the two fingers and \$72.86 for nine weeks and five days temporary total disability. She was not taken back by her employer and finally secured irregular work a year after the accident. Although she is unable to do stenographic work for which she was trained and is limited by the injury to fewer kinds of factory work, and could be helped by vocational training, she did not know that the State of Illinois has facilities for the vocational retraining of handicapped persons. Neither did she know, at the time of the accident, that legal provision was made for compensation of injuries sustained at work.

A 19 year old boy was employed by a metal smelting and refining company to sort metal. When his glove caught in the gears of electric shears, four fingers on his right hand were cut off. The employer furnished hospital and medical care. There was a reported temporary total disability of ten weeks. An arbitrator of the Industrial Commission awarded \$1,800.00 compensation, \$1,700.00 for the loss of the right hand and \$100.00 for temporary total disability. Of the amount awarded \$750.00 was commuted in a partial lump sum payment.

A 17 year old punch press operator accidentally tripped the press while cleaning a die, and injured the index and middle fingers of his right hand so seriously that amputation of the distal phalanges was necessary.

The employer supplied physician's care and sent the boy to the insurance carrier, who offered to settle the case for \$200.00. The boy's father, it so happened, was in the insurance business, and, after reading the Workmen's Compensation Act, refused such a settlement. Instead he went before the Industrial Commission and obtained full compensation for seven weeks and three days total disability, 20 weeks for the 50 per cent loss of the first finger, and 35 weeks for the 100 per cent loss of the use of the second finger, all at the rate of \$7.50 per week. This made the total compensation amount to \$468.22.

This boy's ambition had been to join the Chicago fire department, but his injury will forever preclude this. When

interviewed in 1935, he was working as an elevator operator for \$16.00 per week.

Another boy, aged 17 years, was injured during the first hour of his first job. Set to work on the midnight shift as a punch-press operator, he caught his hand in the press and cut off the middle and ring fingers of his left hand. The insurance carrier furnished hospital care for two weeks and a physician's care for ten weeks. His right arm became infected and he barely escaped lockjaw. He received compensation for 12 weeks temporary total disability and 60 weeks for loss of two fingers, a total of \$542.44. He was not rehired by his former employer and had been unable to get another job when interviewed two years later.

A boy, 18 years of age, employed as a punch operator by a manufacturer of thermos jugs and electrical appliances, suffered a severe eye injury when a piece of the steel die with which he was working broke and struck him in the right eye. As a result of this injury, he lost the use of the eye. He was paid \$971.79 compensation, \$900.00 for loss of use of the eye and \$71.79 for nine weeks and four days temporary total disability. The settlement was made without his personal appearance before the Industrial Commission.

Food products machines.--As Table 13 shows, food products machines ranked second in causing working machine accidents, being responsible for injuries to 44 boys and 20 girls. Of these 64 young employees, 43.5 per cent suffered permanent injuries, while 14.1 per cent of them had one or more fingers cut off (Tables 15 and 18).

Meat products machines caused 21 of the accidents in this category, meat grinders being responsible for 11, meat slicers for 5, and sausage machines, choppers, and saws for the others. Confectionery machines, such as candy cutting and candy molding machines, caused 20 accidents, while baking machines (bread molding and slicing machines) were responsible for 11 and vegetable slicing machines for 5 accidents.

The circumstances of several of the more serious accidents caused by food products machines are described in the accounts that follow.

A Negro boy, 15 years of age, was employed without a work permit in a market as a chicken picker. When the regular operator of the meat grinder was absent, the boy was asked to do his work. On one such occasion as he pushed meat into the grinder, the distal phalanx of the left index finger was cut off. According to information obtained in an interview, the employer furnished medical care but refused to pay compensation. A lawyer brought the case before the Industrial Commission and obtained a settlement for payment of \$100.00 in a lump sum. No cognizance was taken of the boy's age or of his illegal employment by the Commission. The lawyer, who had agreed, according to the boy's mother, on a 20 per cent fee

insisted on 40 per cent at the conclusion of the proceedings. When she brought the matter to the attention of the arbitrator who had heard the case, the lawyer agreed to accept 35 per cent of the \$100.00 settlement.

A boy 18 years of age, whose age was reported by his employer as 20 years, was employed as laborer by a meat packing company. When a sheep conveyor jumped a switch and hit his head, he sustained scalp lacerations and an alleged injury to the brain. Despite the accident he was required to continue working for three hours. Two weeks earlier he had been struck behind the ear by the sheep conveyor, but he did not lose time from work at that time. For seven months after the second injury, he suffered from dizzy spells, nausea, and headaches, and was unable to work. The employer paid compensation weekly for 30 weeks and one day, amounting to \$256.21, but refused further payments on the ground that disability had ceased. After arbitration proceedings had been initiated, a settlement contract providing for the payment of \$850.00 in a lump sum was agreed upon. Thus, the total compensation paid amounted to \$1,106.21.

When interviewed in 1935, this boy related that he had invested \$250.00 in his father's grocery business which failed, paid \$200.00 to his attorney, and used the balance of his compensation for family expenses. He has worked for only one month since his accident, but no longer feels any ill effects of the injury.

A 17 year old boy went to work in a candy factory after finishing the first year of high school. At that time his father was unemployed, and his earnings of \$18.00 a week were used to support the family of four persons.

He had been working four months when the accident occurred. A stick fell upon the belt which conveyed candy into his machine, and in attempting to remove the stick his finger became caught in an unguarded chain, amputating the ring finger, and bruising and cutting the other fingers of his left hand. The accident occurred at 3:30 A.M., when he was working on the night shift.

The employer furnished hospital and medical care. However, the boy believes he was certified by the company doctor as ready for work sooner than he should have been, for his finger was still sore and there were signs of infection. He went to work on the assurance of the insurance company that, if he would not contest the proffered settlement, he would have a regular job for life. He signed a receipt for eight week's temporary total disability compensation, plus 25 weeks for the loss of a fourth finger; a total of \$320.00. Four weeks after he went back to work he was laid off. He remained unemployed, except for one temporary job, up to the time of the interview, two and one-half years later.

A boy, 18 years of age, employed as a delivery boy by a retail meat market, mutilated several fingers when he put his hand in the grinding funnel of a meat grinder. Subsequently, the first and second fingers on his left hand were surgically amputated. The employer furnished medical care and paid \$450.00 compensation for loss of the two fingers.

A boy, 20 years of age, was employed as a baker. His right hand caught in a molder, was crushed and lacerated and a tendon severed. He was totally disabled for ten weeks. The

employer furnished medical care costing \$106.00. Compensation was paid for temporary total disability and for 20 per cent loss of the use of the right hand, the total for both being \$485.00.

Woodworking machinery.--As Table 15 shows, 13 accidents from woodworking machines resulted in permanent injuries. Saws were the greatest menace to safety on woodworking machines, being responsible for half of the accidents. Planing and molding machines were the next most dangerous--accounting for six working machine accidents. Extensive periods of incapacity for work resulted for 12 minors who were disabled from thirty-one days to twelve weeks by injuries sustained in woodworking machine accidents.¹

All except one of the 28 accidents from woodworking machinery occurred to boys. One, fifteen years of age, was working at an extra hazardous occupation without an employment certificate, when injured. Another was employed in the building and construction industry, while the other 26 were working in factories at the time of their injury.

The facts regarding the illegal employment of the fifteen year old boy and one of the more serious injuries occurring in connection with woodworking machines are described below.

A boy was reported as 16 years of age by his employer, but he was only 15 at the time of his accident. He was employed by a furniture factory as a band sawyer without a work permit,--a double violation of the Child Labor Law. At the time of the accident, he was operating the band saw, which cut off the tip of his right ring finger. He was paid \$37.50 for seven weeks temporary total disability. He was entitled to a penalty of 50 per cent of that amount in addition because of this illegal employment, but did not get it.

When interviewed, this boy reported that he began working for the furniture factory when only 13 years of age. The accident described above was his second one, previously he suffered lacerations of the thumb and finger. He did not know that he was entitled to extra compensation under the law.

A boy, age 17 years, sustained permanent injuries one month after starting his first job as a helper in a factory making crates for milk bottles. While cleaning a sawing machine, his thumb and first finger were traumatically amputated at the first joints and the middle finger was lacerated. A lawyer solicited his case and brought it before the Industrial Commission for arbitration. The arbitrator awarded \$45.00 for temporary total disability and \$603.02 for the 50 per cent loss of use of the left thumb, the 100 per cent loss of use of the left index finger, and the 20 per cent loss of use of

¹See Table 19.

the second finger. Of this amount, the lawyer received \$216.98 for his fees and services.

Textile machinery.--Machines used in the manufacture of textiles and textile products were responsible, as Table 13 shows, for accidents to eight boys and eleven girls. Two of the injured were seventeen and the remainder eighteen years of age or older. Nine of these injured young people were employed by garment manufacturers; three, by knit-goods companies; and seven, in other textile plants. When injured fourteen of these minors were machine operators, while three were employed as laborers, one as a seamstress, and one as a tailor. According to Table 18, cuts, lacerations, and punctures resulted from slightly more than half of the accidents and there was one amputation. Five minors suffered permanent injuries, the most serious of which is described below.

The third and fourth fingers of the right hand of a boy, 19 years of age, employed as a factory hand by a waterproofing and converting company, were badly crushed when they were caught in the rollers of a textile finishing machine. The injured fingers had to be surgically amputated. The employer furnished medical care. The boy was disabled for six weeks and four days. He was paid \$337.50 for loss of the two fingers and \$49.28 for temporary total disability.

Printing machinery.--Machinery used in connection with printing was responsible for accidents to 16 boys and 3 girls; one of these young persons was seventeen years of age and 18 were eighteen or older. Permanent injuries were sustained by 8 of these young people, while 5 were totally disabled for work from thirty-one days to twelve weeks and 3 for longer than twelve weeks. Cuts and lacerations were the most frequent injury, while bruises were suffered by 4 young workers, infections, by two; crushing injuries by 2 others; amputation by one; and other injuries by two.

One of the following stories illustrates how some employers attempt to escape the responsibility which the Workmen's Compensation Act places upon them. It represents an apparent attempt to take advantage of the victim's ignorance of his rights.

A girl, reported by her employer as 19 years of age but who was 18, was employed as an inserter by a printing company. When she stooped to pick up some forms from beneath a work table, her hair caught in a revolving shaft and her head was violently pulled against a flywheel. Her hair was pulled out over an area of two inches in diameter. Medical aid was provided by the employer for ten days, at the end of which period she was told to return to work, although she protested

that she was still suffering from severe headaches and occasional lapses of memory. When she asked the forelady for a day's leave of absence, after working for two weeks in this condition, she was discharged.

At the time of the accident she did not know anything about the compensation law. On her first day back to work after the accident, she was given a check for \$4.28. A receipt for that amount, purporting to have been signed by her, is in the files of the Industrial Commission. After her discharge her mother engaged an attorney. In subsequent proceedings before the Industrial Commission, a settlement contract providing for the payment of \$200.00 in a lump sum for disfigurement was agreed upon. One-third of the \$200.00 was paid as attorney fees; while the remainder was used to provide a trousseau and to buy furniture.

A 20 year old boy, employed as a press helper by a newspaper publishing company, suffered crushing lacerations of the right thumb and forefinger, when they were caught between the rollers of a press. An infection developed in the injured members. The employer paid \$207.85 hospital costs and \$448.93 compensation for 13 weeks and six days temporary total disability and for the 60 per cent loss of the use of the right index finger.

A 19 year old boy, reported by his employer as 20 years of age, was employed as a job helper by a printing company. One day he was assigned to clean, without supervision, a folding machine, about which he stated to the interviewer that he knew nothing. While doing this cleaning, he caught his hand between the rollers, crushing it. He was disabled for 16 weeks and four days, for which disability he was paid \$124.28. For the 27 per cent loss of the use of his right hand, he was paid \$345.00 in a lump sum in accordance with a settlement contract. Of this amount he paid \$86.25 to an attorney. When interviewed two years after the accident, the boy related that after returning to the printing company, where he was injured, and working for less than a month, he left of his own accord because he felt unable to work. He found it difficult to get work and was unemployed for almost two years.

Paper and paper products machines.--Twelve boys and 6 girls were injured in accidents while working on paper and paper products machines. Two of these young workers were seventeen years of age, while 16 were eighteen or older. Seven of them sustained permanent injuries and 5 were totally incapacitated for periods extending from thirty-one days to twelve weeks.

Amputations resulted from accidents caused by paper products machines in 2 cases, fractures in 4, cuts and lacerations in 7, crushing injuries in 2, and other injuries in 3 cases.

Accounts of two of the more serious injuries follow.

A boy, age 18 years, employed as a boxmaker, had two fingers on his right hand cut off when his hand slipped under the knife of a cutting machine. He was disabled for three weeks and was paid \$625.14 compensation; \$25.14 for temporary total disability and \$600.00 for the complete loss of the index and middle fingers on his right hand. He worked for the

same employer for six months after the accident, when he left of his own accord.

An 18 year old boy, employed as a machine hand, was reported by the employer to have bruised his hand on a paper cutter machine. He was paid \$332.50 compensation, which included \$300.00 for the 100 per cent loss of use of the left index finger. No amputation was reported. The employer did not furnish medical aid.

Leather working machines.--Machines used in the manufacture of leather products and in the processing of leather were responsible for 14 accidents, 11 to boys and 3 to girls. Machines used in the manufacture of shoes caused 7 of the 14 accidents, while machines used in the manufacture of other leather products (travelling bags, gloves) were responsible for 6 accidents. One of the minors injured in connection with leather working machines was seventeen years of age, while 13 were eighteen or older.

Nine of the 14 accidents caused by leather working machines resulted in permanent injuries. Moreover, six young persons injured in connection with this type of machinery were totally disabled for work from thirty-one days to twelve weeks.

The 2 boys whose accidents are described below were granted slightly more than one-half of the total amount of compensation (\$2,135.40) received by all 14 minors injured in connection with leather working machines.

A 19 year old boy was employed as an operator of a heeler machine in a shoe factory. While feeding nails into this machine, his fingers were caught in it and three were crushed. According to the boy's account he was disabled for 10 weeks, but according to the accident report he was disabled for only six weeks and two days. However, he was pleased with the care furnished by his employer and related, when interviewed, that his hand never bothers him. Except for one month, he has been steadily employed since his injuries healed. He received \$371.79 compensation for complete loss of the use of an index finger, for the 10 per cent loss of use of a middle finger, and for six weeks and two days temporary total disability.

Three fingers of another 19 year old boy, employed as an operator in a shoe factory, were severely lacerated when caught in an automatic heel compressor. Surgical amputation of the three fingers at the second joint was necessary. The employer furnished hospital and medical care. A settlement contract providing for the payment of \$750.00 in a lump sum for the 100 per cent loss of the use of the index, second, and third fingers was agreed upon, which was in addition to \$41.78 previously paid for five weeks and four days temporary total disability. The reasons on the petition for the lump sum settlement were that the injured person "had married since the accident and wished to use the money to pay debts and to furnish his home." An affidavit to the effect that he had returned to work for the accident employer was filed with the Industrial Commission with the petition.

Other working machinery.--Working machines not otherwise classified, such as filling machine, revenue stamp machine, circular ice saw, were responsible for 24 accidents in which 13 boys and 11 girls were injured. Two of these minors were sixteen years of age; two, seventeen; and 20 were eighteen or older.

Fourteen of the accidents caused by machines in this category resulted in permanent injuries, the most serious being the complete loss of the use of a finger by a nineteen year old girl. This girl, who was reported by her employer as twenty years old, was injured in connection with the operation of a filling machine in the plant of a manufacturer of toilet preparations. Her middle finger was fractured and lacerated, for which injury she received \$340.71 compensation, including \$262.50 for the loss of use of the second finger and \$78.21 for ten and three-sevenths weeks temporary total disability.

Machines other than working machines

Machines not used directly in the manufacture or processing of a product were responsible for only six accidents, none of which resulted in compensable permanent injuries. Conveyors caused two of the accidents and fans two others. The most serious accident in this cause classification occurred to an eighteen year old boy, when he attempted to oil a suction fan while it was in operation. His left wrist was bruised, the tip of the left little finger was dismembered, and other fingers were cut and bruised. As a result, he was disabled for six weeks, and received \$45.00 compensation.

Elevators and hoisting apparatus

Elevators and hoisting apparatus were responsible for accidents to 19 boys and 2 girls. One boy was only thirteen years of age. Another boy was fifteen years of age, while the other 18 boys and the 1 girl were eighteen years of age or older.

Elevators were responsible for accidents to 13 minors, 3 of whom were injured by falls down elevator shafts; 5 when caught between elevators and either the platform, floor, or shaft; 3, when fingers were caught in elevator doors; and 2, when struck by elevators. Hoisting apparatus caused 8 accidents, cranes being responsible for 3, chain hoists for 3, and dumb waiters for 2.

One-third of the young people injured in connection with elevators and hoisting apparatus sustained permanent injuries, and another third were disabled for periods lasting from thirty-one days to twelve weeks. Three of the latter were incapacitated for work for excessively long periods of nineteen, twenty-two, and twenty-nine weeks, respectively. Accounts of the accident experiences of these last 3, as well as those of the 2 boys who were illegally employed, follow.

A 19 year old boy, whose age was reported by the employer as 20, was employed as a utility man by a can factory. His left foot was cut off when it was caught between an elevator and the shaft. He was in a hospital for 12 weeks and was attended by a physician for an additional 24 weeks, although completely disabled for work for only 19 weeks. The employer furnished hospital and medical care and an artificial foot. Compensation amounting to \$1,155.00, \$1,012.50 for the loss of the left foot and \$142.50 for temporary total disability, was granted. In an interview two years after the accident, it was learned that this boy was receiving monthly installments of compensation at the rate of \$30.00, while employed as a timekeeper by the Can Company. All of the compensation money was being deposited in a savings bank, according to the boy.

Another boy, age 20 years, was employed as a delivery clerk by a typesetting and printing company. He fell down an elevator hatch into the pit when the elevator gates were left open. The nature of the injury was not reported by the employer, but was learned in an interview with the injured person in the course of this study. A laceration near the left eye, a double fracture of the left foot, and injuries to the left hand were sustained. Six weeks hospital care and four weeks of further medical treatment were furnished by the employer. Compensation amounting to \$433.12 was paid for 30 per cent loss of use of the left hand and for the five per cent loss of use of the left foot, in addition to \$165.00 for temporary total disability.

When interviewed two years after the accident, this young man expressed satisfaction with the medical care, but dissatisfaction with the amount of compensation received. He was a machinist, and complained that he was unable to do heavy lifting with his left arm.

A laborer, age 20 years, for an iron and steel company suffered fractures and lacerations of two fingers, involving the severance of a tendon, when his hand was squeezed between a dolly bar and some bailing being set in place by a crane. According to the accident report, the employer did not furnish medical care. This boy was disabled for 29 weeks and one day for which disability he was granted \$218.57. For the 50 per cent loss of use of the middle and ring fingers of the right hand, he was granted an additional \$225.00.

A 13 year old child, employed as a delivery boy by a chain grocery store, sustained bruises of the ankle and heel when his ankle caught between a platform and the elevator which he attempted to operate. The employer furnished medical care for six weeks and paid \$45.00 primary and \$22.50 penalty compen-

sation for six weeks temporary total disability. When the father was interviewed three years after the accident, he reported that the boy's ankle was entirely well and that he was at that time enrolled in the Civilian Conservation Corps.

A 15 year old boy was reported by his employer as 16 years of age. His real age was learned and verified by the Division of Statistics and Research of the Illinois Department of Labor. Although employed without a work permit and although injured while operating an elevator, no notice was taken of his illegal employment and no inquiry made concerning it by the Industrial Commission. The boy's mother told an interviewer that she did not know that work certificates were necessary during school vacation. According to the mother, the boy's great toe was fractured. The employer furnished medical care and paid \$13.93 for 13 days compensation.

Minors Injured in Vehicular Accidents

Vehicles caused 131 accidents, or 10.6 per cent of all accidents to minors. Table 20 shows that automobiles and motor trucks were the causes of slightly more than half of the vehicular accidents, while mine and quarry cars were involved in 27 accidents, bicycles in 19, 10 in collisions with automobiles, and motorcycles and other vehicles in 18. The younger minors were the especial victims of vehicular accidents, 3 of the 6 boys under fourteen years of age being injured by vehicles. Although only 1.7 per cent of all injured minors were under sixteen years of age, 6.1 per cent of those injured by vehicles were of that age group.¹ Likewise, while 11.2 per cent of all injured minors were under eighteen, twice as many (23.7 per cent) of those whose injuries were caused by vehicles were under that age. Studies of accidents to illegally employed minors in Wisconsin and Indiana² and of accidents to employed minors in California,³ likewise, revealed that vehicles were responsible for proportionately greater numbers of accidents to the younger minors than to the older ones. Earlier reports on accidents to minors in Illinois showed the same findings.⁴

¹See Table 17, p. 84.

²Matthews, op. cit., pp. 124-27, 180-81.

³Marian F. Stone, "Industrial Accidents to Employed Minors in California in 1932," Monthly Labor Review, XXXIX (1934), 1078-94; U. S. Bureau of Labor Statistics, "California's Restrictions upon Industrial Employment of Minors," Monthly Labor Review, XXVI (1928), 937-38.

⁴Noll, op. cit., pp. 16-17; Illinois Department of Labor, The Labor Bulletin, November, 1930, pp. 83-88.

TABLE 20

MANNER OF OCCURRENCE OF VEHICULAR ACCIDENTS TO
EMPLOYED MINORS IN ILLINOIS IN
1933, BY TYPE OF VEHICLE

Type of Vehicle and Manner of Occurrence	Minors Injured	
	Number	Percentage
Total minors	131	100.0
Automobiles and motor trucks	67	51.1
Struck by or run over by..	23	17.5
Cranking	10	7.6
Collisions or overturning.	9	6.9
Fall or jolted from	9	6.9
Driving or riding upon ...	4	3.1
Pushing or moving	3	2.2
Other	9	6.9
Mine and quarry cars	27	20.6
Bicycles	19	14.6
Collisions with automo- biles or motor trucks...	10	7.6
Falls from	7	5.4
Other	2	1.6
Other vehicles	18	13.7

Table 20 shows the manner in which automobile and bicycle accidents occurred to these young workers. It should be noted that altogether automobiles and motor trucks were involved in 77 of the 131 vehicular accidents.

Heavy tolls in life, in permanent injuries, and in temporary total disabilities were taken by vehicles; as they were responsible for 4 of the 10 deaths resulting to minors from all causes, for 26 permanent injuries, and for injuries resulting in extensive disabilities in 99 cases. Several comparisons emphasize the latter. Thus, 11.0 per cent of the minors who sustained injuries in connection with vehicles were disabled for longer than twelve weeks, one for as long as seventy-nine weeks, while only 4.4 per cent of all injured minors suffered such extensive periods of disability. Similarly, 30.5 per cent of the minors injured by vehicles were incapacitated from thirty-one days to twelve weeks, while only 26.6 per cent of all injured minors were disabled for like periods (Table 19). Only 20.2 per cent, however, of those who met with vehicular accidents sustained permanent injuries as compared with 24.4 per cent of all injured minors or with 49.8 per cent of the minors injured in connection with working machines.¹ Mining accidents were more serious, 44.4 per cent of the mine and quarry car accidents, which number one-fifth of all vehicular accidents, resulted in permanent injuries. The findings of the Children's Bureau studies of illegally employed minors in Wisconsin and Indiana showed similar results. Smaller percentages of minors in both states suffered permanent injuries from vehicular accidents than did all injured minors, while in both states the temporary injuries resulting from vehicles were serious and involved long periods of disability.²

Table 18 shows the nature of the injuries resulting from vehicular accidents, bruises, cuts and lacerations, and fractures being the most frequent types of injury.

Two boys, one a thirteen year old newsboy and the other a sixteen year old grocer's helper, were fatally injured in automobile and motor truck accidents, while a mining car accident caused the death of a twenty year old trip rider, and a quarry car accident resulted fatally for a youthful switchman. Accounts of these four cases, which are described below, make possible certain

¹See Table 15, p. 81.

²Matthews, op. cit., pp. 24-26, 180-81.

interesting conclusions. One is that newspaper publishing companies possess practical immunity from child labor legislation in Illinois and usually escape with small or no payments of compensation to injured newsboys on the ground that the boys are little merchants rather than employees.¹ Possibly the surest way to correct this is to provide for the effective regulation of street trades. The cases of the thirteen year old newsboy and the sixteen year old grocer boy, when compared, show that survivors of the former received approximately one-third as much compensation as the latter. The striking difference is apparently due to a weakness in the Workmen's Compensation Act, but may have been influenced by other factors, for example, the legal counsel.

A 13 year old newsboy was struck by an automobile at eleven o'clock at night, as he ran across the street to sell a paper. Shortly afterward, he died from a fractured skull and other injuries sustained in this accident. In proceedings before the Industrial Commission, the newspaper company denied that the relationship of employer and employee existed, but it agreed upon a settlement for \$900.00 with the right to collect \$500.00 from the owner of the automobile.

The entire \$900.00 was paid to the mother in a lump sum. Funeral expenses took more than one-fourth of the compensation. Within eight months the remaining money was used for living expenses and for the wedding of a sister. Meanwhile, the family was receiving public relief.

A 16 year old boy, employed as a truck driver's helper by a grocery company, was hurled 50 feet from a parked truck which he was unloading, when it was struck by an automobile driven by an intoxicated man. He was dead when picked up. Surviving him were his mother and five brothers and sisters, for whose support he had stopped school after the completion of two years of high school.

When the employer's insurance company failed to offer a satisfactory settlement, the mother engaged attorneys to bring the case before the Industrial Commission. An arbitrator awarded \$3,120.00 in compensation and ordered that all except the then accrued amount should be paid in weekly installments. After the insurance company had asked for a review of the award decision, a settlement contract providing for a lump sum payment of \$2,500.00 was agreed upon by the parties. Subsequently, the insurance company secured a liability judgment against the driver of the death car for \$3,400.00. After \$1,272.00, \$1,133.33 of which was for attorney fees, for expenses were deducted from the \$3,400.00 award, the remaining \$2,128.00 was equally divided between the boy's family and the insurance company in keeping with an agreement previously made by them.

In less than one year after the latter settlement, the family was on the verge of destitution and had applied for

¹See discussion on p. 28 and the Attorney General's opinions, pp. 244-45.

assistance from a public relief agency. The bulk of the money was spent for maintenance but \$220.00 was spent for drugs in a futile effort to prevent the loss of one of the brother's hair.

A 20 year old youth, employed as a trip rider in a coal mine, was fatally crushed between a coal car and the coal rib. His chest and right arm were crushed and contusions and lacerations about the head were sustained. The boy's mother, who was totally dependent upon him for support, was represented before the Industrial Commission by an attorney of the United Mine Workers of America. Compensation for 416 weeks at \$8.50, amounting to \$3,536.00, was awarded the mother. A petition for the payment of \$2,000.00 of the gross amount in a lump sum, for the reason that the mother wished to purchase a home, was approved.

Another 20 year old young man, employed as a switchman at a cement quarry, sustained a fractured skull when his head was crushed between two cars as he was attempting to uncouple them. He died shortly afterward. The minimum compensation, \$1,000.00, which may be paid in fatal cases was agreed upon in a settlement contract. Although both the boy's parents survived him, the settlement was set at the lowest legal figure because it was held that the deceased had contributed only 22.4 per cent of the total cost of the maintenance of his family. Paragraph c of section 7 of the Illinois Workmen's Compensation Act permits a scaling of the compensation payable in fatal accidents in proportion to the degree of dependency of survivors upon the deceased. It was in accordance with this provision that the above compromise was made.

Eight of the children injured by automobiles and motor trucks were newsboys; 5 of these were helpers on newspaper trucks, 2 sold papers at news-stands, and 1 was a route boy. Three of these 8 boys were only thirteen years of age, 3 were sixteen, and 2 were seventeen. The accounts given below describe the circumstances of several serious accidents to newsboys and in addition show that the amounts of compensation granted to minors before the Industrial Commission were not the amounts actually paid them, although the records of the Commission may lead one to believe that they were. The facts learned through the investigation made in the course of this study and unknown to the Industrial Commission in 1933 when settlements were made, indicate the need of independent investigation by the Commission.

The left ankle of a 13 year old route boy, who had a written contract with his employer, was crushed when he was run over by an automobile driven by a fellow employee. As a result of this injury he was wholly incapacitated for 16 weeks. The newspaper company did not report the accident to the Industrial Commission and it first learned of the accident when attorneys representing the boy filed a petition for adjustment of claims. The Accident Report Division then filled out an accident report from the information brought out in the hearings before the arbitrator. As late as May, 1936, no

compensation had been paid despite an award of \$320.00 which was affirmed upon review by the Industrial Commission in April, 1936. The employer appealed the case to the circuit court. In spite of the seeming willful delay in settlement, the Industrial Commission did not exercise its right to add a penalty to the primary compensation and to refer the employer to the Attorney General.

Another child, aged 13 years, worked as a newsboy after school hours for \$1.50 per week in a Chicago suburb. While running across the street to deliver a paper, he was struck by an automobile, sustaining a fracture of the right tibia. The newspaper publisher of a Chicago evening paper furnished medical care and paid compensation for 11 weeks temporary total disability at \$7.50 per week.

A 16 year old boy, employed as a helper on a newspaper truck, was injured when the truck on which he was working collided with a street car. According to the accident report, he sustained a bruised ankle, but in an interview the minor related that his left ankle was broken and that he was in a hospital for six days and under a physician's care for 12 weeks following the accident. When the publisher offered the mother \$22.50 compensation, she engaged a lawyer, who secured a settlement of \$50.00, \$15.00 of which went to the lawyer for his fees. The boy stated that about \$5.00 had been spent for carfares on visits to the doctor. The remainder went for family expenses.

The oldest of five children of Italian parents was 16 years of age at the time of his injury. He had been working for four years as a helper on a newspaper delivery truck at \$2.00 per week before the accident occurred. When he slipped off of the running board of the truck on which he was riding, the rear wheel passed over his left leg, causing a transverse fracture about the middle third of the femur. He was in the hospital for six weeks.

The newspaper company denied that the accident occurred and that a relationship of employer and employee existed. Nevertheless, a settlement contract, providing for payment of \$335.00 compensation in a lump sum for 10 per cent loss of use of the left leg and for temporary total disability, was agreed upon. This compromise settlement stipulated that the amount agreed upon was in full settlement of all medical expenses incurred and for all known and unknown injuries. The medical expenses borne by the injured person's family included the cost of six weeks hospital care, \$10.00 for an ambulance, and the fees of a private physician.

The helper on a news agency's truck was 17 years of age when injured in an automobile accident. According to the report the injury resulting from the accident was a sprained right ankle. Compensation proceedings brought out that he was in three different hospitals for treatment; that the medical and hospital costs amounted to \$335.10; and that he was totally incapacitated for 23 weeks. A settlement contract provided that compensation totalling \$678.75 was to be paid for a 50 per cent loss of use of the right foot and for temporary total disability. The medical expense was apparently borne by the employer.

Five of the 19 minors who were injured while riding bi-

cycles were newspaper boys; 10 were telegraph messengers; and 4 were employed as delivery boys. One of the newsboys was only twelve, another only thirteen, and 1, fourteen years of age; the other 2 were older. Only 1 of the telegraph messenger boys was under sixteen and he had an employment certificate. Several of the more serious accidents suffered by these newsboys and messengers are described below.

After his father's business had failed in 1933, a 13 year old boy, being the oldest child of a family of nine, obtained a job delivering papers in order to contribute to the family support. While delivering papers he sustained a fractured skull and other injuries when he was struck by an automobile as he rode across an alley on his bicycle. Although a medical examiner for the Industrial Commission reported, in the course of arbitration hearings, a 50 per cent loss of hearing in the right ear, no award was made for this loss because the Industrial Commission holds that the Workmen's Compensation Act provides compensation for the loss of hearing only when it is total and permanent in one or both ears. Compensation of \$60.00 was awarded for temporary total disability and \$211.65 for hospital and medical care.

At the time of his injury this boy was in the 9th grade and, according to members of his family, was well adjusted. Two years later he was no longer happy at school and became a truant. As the result of his stealing a savings bank belonging to his grandfather, he was placed under the jurisdiction of the Juvenile Court. Subsequently, he left home after a severe beating from his father. At the time of the interview, early in 1936, the family were on relief and both the father and the boy not living at home.

A 14 year old child worked as a route boy for a news agency, while still in school. His earnings of \$3.50 per week supplemented the earnings of the father, who was making \$20.00 a week, in the support of a family of five. This boy cut his arm when he fell from his bicycle into a drainage ditch. Infection set in and he was in a hospital for almost six weeks.

The insurance company furnished medical care which was completely satisfactory to the boy's family and also paid \$141.43 compensation for 19 weeks temporary total disability. However, when it appeared that the child's arm was permanently injured, his father engaged an attorney in an effort to get compensation for permanent partial disability. An arbitrator of the Industrial Commission awarded an additional \$253.13 compensation for 15 per cent loss of use of the right arm. Of the latter amount, more than \$100.00 was paid to the attorney for legal fees and for medical examinations.

A 17 year old boy, began to deliver newspapers for a newspaper agency in a Chicago suburb when he was ten years of age, earning \$4.00 a week. His mother is dead and his father deserted the family when the boy was of pre-school age. Since the mother's death, he has lived with his maternal grandparents, who are old settlers in the region.

About seven o'clock one winter evening, while he was delivering papers his bicycle skidded on the icy street and

crashed into an automobile. His right leg was so severely injured that attending physicians proposed amputation, but the grandmother objected so strenuously that that was not done. The boy was in the hospital for 13 weeks and was under a physician's care for 52 weeks, after which time he was able to use his leg but has had to be extremely careful lest he bump the leg and break open the scar tissue.

When interviewed in 1936, the boy related that he "was given the best of medical care that could be gotten," including two treatments a week by a Chicago specialist. Compensation amounting to \$787.50 had been paid him at the rate of \$7.50 per week for 79 weeks for temporary total disability and for 26 weeks for specific loss of the use of the leg. Although no compensation payments have been made since January 1, 1935, the case was still continued "open" by the Industrial Commission, a year later, in keeping with the recommendation of the boy's physician, who fears further recurrence of the injury and in such event wishes responsibility to rest upon the employer.

A 16 year old boy obtained a work certificate at the age of 14 for employment as a telegraph messenger. While he was crossing a busy Chicago intersection, an auto went through a red light, violently knocking him from his bicycle. He received many body abrasions and a rupture of the spleen, the latter necessitating operation and removal of the spleen. Compensation amounting to \$144.64 was paid for 20 weeks temporary total disability.

According to information brought out in hearings before an arbitrator the insurance company doctor had pronounced this child ready for work at a time when he found a hemoglobin count under par and an increased white cell count and while advising continued observation of the left chest to determine the possibility of tuberculous pleurisy. Although, at that time, a private physician thought that work was inadvisable, for two years the boy was given a lighter type of work at the airport by his employer. After working there for three months he was discharged.

Upon the advice of friends, the boy then obtained a lawyer in an attempt to get additional compensation for his injury in proceedings before the Industrial Commission. However, an arbitrator pointed out that the schedule of benefits for specific losses in the Illinois Workmen's Compensation Act does not provide for the loss of a spleen. Thereupon, a compromise settlement of \$75.00, in addition to the \$144.64 already paid, was agreed upon. When interviewed in 1935, this boy stated he was still feeling the physical effects of his injury. He related, among other things, that a life insurance company had refused to write an industrial policy for him unless he agreed to pay 30 cents instead of the regular rate of 20 cents.

A boy, 17 years of age, was employed as a telegraph messenger in non-school hours in order to maintain himself in high school. When his bicycle collided with an automobile at 11:20 P.M., he sustained, according to the report filed with the commission, a cerebral concussion, fracture of the right tibia, fractured teeth, hematoma on the left side of the forehead, abrasion of the left knee, and lacerations of the nasal septum, the lower lip, and the chin. He spent five weeks in a hospital, during the first five days of which he was unconscious. A physician's care was required for four months after

his discharge from the hospital. Compensation was paid in weekly installments for 11 weeks. When the insurance company refused additional compensation for continued disability, involving headaches, dizzy spells, loss of memory, and decreased ability at school, a lawyer was engaged to bring the case before the Industrial Commission. A settlement contract, providing for the payment of \$500.00 in a lump sum, was finally agreed upon. Of the \$500.00, \$100.00 was paid the attorney; \$130.00 was lost on the races; and the balance went for personal and family expenses.

The foregoing accounts call attention to the apparent absence of provisions in the Workmen's Compensation Act covering partial deafness and for the loss of certain internal glands or organs. Regarding the loss of hearing the Act provides compensation:

For the total and permanent loss of the hearing of one ear and for the total and permanent loss of hearing in both ears¹

The Industrial Commission has construed this provision literally and has refused to award compensation for any percentage loss of hearing. This strict construction does not appear consistent with the Commission's practice of awarding compensation for the percentage and even for fractions of a per cent loss of a body member, while the Act is not any more specific regarding compensation for the percentage losses of body members than regarding the loss of hearing; for example, it provides for "the loss of an arm or the permanent and complete loss of its use." Then, although the compensation law does provide for the loss of a testicle, it does not provide for the loss of other internal glands or organs, such as the spleen, the loss of which might become quite serious as it did in the case which is described.

Two young children, fifteen and sixteen years of age, were injured by mine cars in 1933. Under the Illinois Child Labor Law only the younger boy was illegally employed. The following story describes his experience.

A boy left school at the age of 14 years to work in the coal mines. He had completed only five years of elementary school.² He was engaged to do odd jobs around the mine for fifty cents a day. The accident report described his occupation as "sulphur picker" and his wages as "less than \$15.00" per week. Three months after the child began working at this

¹Illinois Workmen's Compensation Act, sec. 8(e) 16 1/2.

²Much of the information for this story is based upon interviews with the injured child and his parents by a social case worker connected with the Illinois Emergency Relief Commission in 1936.

prohibited employment, he lost his footing on the icy ground as he was pushing railroad cars under a tippie and slipped under a moving car. The wheels of the car passed over his right foot, mashing it and necessitating amputation of the leg six inches below the knee.

After the accident the employer, as well as the insurance carrier, refused to pay medical bills and cash benefits as required by the Workmen's Compensation Act. The parents are poorly educated and even at the time of the interview in 1936 were only slightly acquainted with the Industrial Commission and accident procedure. However, an attorney entered a petition for adjustment of claim with the Industrial Commission two months after the accident. At one time an attorney for the United Mine Workers of America was interested in the case.¹

Fourteen months after the accident, an arbitrator awarded compensation for temporary total disability and the loss of the use of the right leg, plus a 50 per cent penalty for illegal employment. The total compensation award amounted to \$2,272.00. The arbitrator further ordered the coal company to pay the medical bills and to furnish an artificial leg. Upon review before the Commission, the award of the arbitrator was substantially upheld, but the insurance carrier was dismissed from any liability.

The case was taken to the circuit court, which affirmed the decision of the arbitrator and held the insurer liable. Nothing was paid to the child in accordance with either the rulings of the Commission or the decision of the court, but approximately two and one-half years after the accident, a compromise settlement was entered with both the coal company and the insurer as parties. Under this settlement contract a lump sum payment of only \$1,350.00 for all liability, including medical and all other expenses past or future, was accepted. The Industrial Commission approved both the settlement contract and the lump sum petition, despite the fact that the minor stated he wanted the lump sum in order "to pay medical bills, to purchase a wooden leg and to pay accumulated bills."

According to the information secured in an interview, the insurance company paid the \$1,350.00 in the autumn of 1935. After an artificial limb was purchased and medical and legal obligations met, there remained only \$300.00. The attorney's fees must have been large because the physician's bill was only \$189.00. The \$300.00 was placed in a bank by the boy's mother who was appointed guardian by the insurance company, with the stipulation that she be allowed to draw \$15.00 a month to be spent entirely for the boy's welfare.²

Up to the time of the interview in the spring of 1936, neither the boy nor his parents had ever heard of vocational rehabilitation or retraining. When it was explained to them,

¹Members of the United Mine Workers of America are represented in compensation disputes by attorneys employed by the union. It is not known whether the step-father of this lad was a member of this organization.

²As late as May 25, 1936, the Industrial Commission had not been informed about the arrangements described in this paragraph.

the boy manifested considerable interest in the state program for the rehabilitation of the physically handicapped. He expressed a desire to obtain employment that would enable him to secure vocational training and so provide his share of the family expenses.

At the time of this interview the family of seven members were living on W.P.A. wages of \$44.00 per month received by the boy's step-father. They were living in a small house belonging to a mining company. The whole family is without education.

Several shocking circumstances connected with this boy's accident and his attempts to collect compensation may be summarized from the foregoing fuller account. They are: (1) the employment of a child of fourteen years of age in a coal mine at a wage of 50 cents per day, (2) the refusal of the employer to pay either compensation or the expense of medical care in accordance with the orders of the Industrial Commission for two and one-half years, (3) the final settlement of an original cash award of \$2,272 for \$300, (4) the conclusion of the final settlement without notification of the Industrial Commission, (5) the ignorance of the parents and the boy of either compensation rights or the possibility of state aid vocational rehabilitation.

In another accident caused by a mine car, an eighteen year old boy employed as a trip rider was injured when caught between cars going into and out of the mine. According to the accident report of the employer, this boy sustained a puncture wound of the right thigh and a crushed left ankle. Three years after the accident there was no record in the Industrial Commission files of either the duration of the resulting disability or of the payment of compensation.

Although the Illinois Child Labor Law contains no provision for safeguarding young children from the dangers of employments which expose them to the ever-increasing automobile hazard, its Motor Vehicle Act offers some measure of protection to young people under the age of eighteen years of age as well as to the public. This Act, which provides for the licensing of chauffeurs, requires that an applicant for a license must be eighteen years of age or older, and it forbids any person under the age of fifteen to operate or drive a motor vehicle unless he is accompanied by a duly licensed chauffeur or the owner of the car.¹ Few of the minors injured in connection with vehicles, however, suffered acci-

¹ Illinois Revised Statutes, 1937, chap. 121, secs. 228, 232.

dents under circumstances covered by the Motor Vehicle Act, certainly not the majority of those of the youngest ages. On the contrary most of them, as Table 20 shows, were injured while engaged in occupations covered neither by the Child Labor Law nor the Motor Vehicle Act. Therefore, the need for protective legislation for children under eighteen years has not been met by existing legislation.

This discussion brings to the fore the question of the relation of violations of the Motor Vehicle Act to the extra compensation provisions of the Workmen's Compensation Act. In practice the Illinois Industrial Commission has not construed employment in violation of the Motor Vehicle Act as related to the provisions of the compensation law which provide for the payment of extra compensation to minors under sixteen years of age who are illegally employed at the time of injury. Therefore, investigation of the occupations and of the accident circumstances of very young minors injured while riding upon automobiles or trucks, or similarly employed, has not been attempted by the Commission.

Other Causes of Accidents

Machinery and vehicles were not the only hazards to children and young people. Of the 1,233 accidents, as Table 13 shows, 756 were due to causes other than machinery or vehicles,¹ such as: handling objects, using hand tools, falls, stepping or striking against objects, falling objects, fires, explosions, and hot and corrosive substances. These categories follow the "standard cause classification" and illustrate the inadequacies of the system of classification now in general use. As Sidney W. Wilcox points out, "a fall does not cause an accident--it is an accident. It causes a broken kneecap or some other injury. The cause of the accident was faulty illumination, worn treads on the stairs, too clumsy a load to be carried, or some such reason."² Notwithstand-

¹Machinery as classified in the standard accident codes.

²Sidney W. Wilcox, "Statistics in the Service of Accident Prevention," Discussion of Labor Laws and Their Administration, U. S. Department of Labor, Division of Labor Standards Bulletin No. 1 (Washington: Government Printing Office, 1935), pp. 38-44. Essentially the same criticisms of these cause classifications were advanced by E. H. Downey, Workmen's Compensation (New York: Macmillan, 1924), pp. 135 ff.

An attempt to develop a truly descriptive cause code is being made, under the leadership of H. W. Heinrich of the Trav-

ing these evident weaknesses in the standard cause categories, there is no present alternative but to use the standard classification.

Of the 756 accidents not due to machinery or to vehicles, 228 were caused by handling objects; 140, by falls of persons; 108, by stepping on or striking against objects; 108, by falling objects; 91, by hand tools; 81, by fires, explosions, hot and corrosive substances and other causes.

Handling objects.--Next to machinery, handling objects was the principal cause of accidents, being responsible for 228 accidents. Handling objects was numerically the second major cause, but accounted for only 13.8 per cent of the 298 permanent injuries. Of the 228 young workers injured in connection with the handling of objects, 164 were boys and 64 were girls. One child, employed as a newsboy, was only eleven years of age, while 4 other children were only sixteen years of age.

In the handling of objects, as Table 18 shows, 59 young workers sustained injuries that resulted in infections, one of which proved fatal. Another 55 received cuts and lacerations, while 32 suffered sprains and strains, of which 21 were hernias.

Handling objects was the most frequent cause of hernias, being responsible for 21 of the 22 hernias due to all causes. Only young men sustained hernias, 20 of these being eighteen years of age or older. As it is often difficult to fix the time of the act causing hernia, the Illinois Workmen's Compensation Act, in order to protect employees and employers, as well as to facilitate administration, requires that notice of injury in hernia cases must be given within fifteen days after the accident.¹ The Act further requires as conditions of eligibility for compensation that: (1) the hernia is of recent origin; (2) its appearance is accompanied by pain; (3) it is immediately preceded by trauma arising out of and in the course of the employment; (4) the hernia did not exist prior to the injury.² Notwithstanding, it

elers Insurance Co., by a special committee of International Association of Industrial Accident Boards and Commissions and the National Safety Council. In a letter to the author under date of June 3, 1936, Mr. Heinrich stated work of this committee was nearing completion.

¹Illinois Workmen's Compensation Act, sec. 24.

²Ibid., sec. 8(d-1).

is still possible for employees to make unjustified claims and for employers to deny, in self-interest, liability in cases where the claims are bona fide. The administration of the law then becomes of major importance, if the rightful interests of the parties, especially those of individual employees, are to be safeguarded. The accounts described below illustrate why this is true.

The provision of the necessary hospital, surgical, and medical care by employers, in accordance with the requirement of the Workmen's Compensation Act, seems very important in cases in which the fact that hernia was the result of employment is established. In cases of reported or alleged hernia the determination of the fact and the cause becomes necessary not only to secure benefits but to secure the injured person proper medical treatment. The question as to how far the Industrial Commission should go in securing details in connection with cases of reported hernia may be raised. For example, should it require complete medical reports for every hernia case and should such reports and, perhaps, the injured employee be subject to scrutiny and examination by the medical staff of the Commission after the final reports are filed? Obviously neither of these procedures was a requirement in 1933.

The accident reports and the supplementary compensation reports in the Industrial Commission's records did not, in several of the 21 cases of hernia resulting from handling objects, make it clear as to whether or not the hernia was corrected by surgical care or by the fitting of trusses. In most of them it was reported that medical care was furnished, but the type and the extent was not always described.

Moreover, the wisdom of the Industrial Commission's approving a settlement contract providing for payment of compensation in a lump sum, which arrangement releases an employer from all responsibility, after an arbitrator has ordered that employer to furnish all the necessary hospital, surgical, and medical care to cure or relieve an injured employee, may be questioned. Yet this was done, as an account which follows clearly shows. Another case, the circumstances of which are also described below, raises the question of the responsibility of the Industrial Commission for the execution of an arbitration order requiring an employer to provide medical and surgical care and to pay compensation for

disability arising from such operation.

A boy, 18, who was employed as a butcher, sustained a right inguinal hernia while lifting a box of meat. He was disabled for longer than 16 weeks. Because the employer denied his allegations, the boy employed a lawyer and petitioned the Industrial Commission for an adjustment of his claim. One of the medical examiners for the Industrial Commission affirmed the presence of the hernia. The arbitrator who heard the case ordered the employer to provide the necessary medical, hospital, and surgical services to cure or relieve the injured person, to pay \$94.26 accrued compensation, and to pay additional compensation for any incapacity resulting from the operation. After the employer had petitioned for review, a settlement contract providing for the payment of \$125.00 in a lump sum in settlement of all claims was agreed upon. The reason for the lump sum payment as stated in the petition, was that the employee "wants money for an operation." When the brother and mother of the boy were interviewed in 1936, they related that the boy got only \$60.00 of the money after the payment of lawyer's fee and charges. Consequently he had insufficient money for an operation. Nevertheless, he had the operation in a suburban hospital, where he worked off the costs by doing janitor work for the hospital.

A 17 year old weigher and packer in a macaroni factory, according to the employer's report of the accident "was lifting macaroni boxes for weighing and packing and felt sharp pain in right groin." When the employer refused to provide medical care and to pay compensation, the injured person petitioned the Industrial Commission for an adjustment of claim. In his decision, the arbitrator ordered an operation and payment of compensation during the period of disability at the rate of \$7.50 per week. The employer requested a review of this decision. Meanwhile the boy was unable to work. Six months afterward, on review by the Commission the award of the arbitrator was sustained. Five months after the Industrial Commission had sustained the award of the arbitrator, this boy was admitted to the Cook County hospital, where he was given surgical treatment for the hernia.¹

Another injury frequently resulting from accidents caused by handling objects were infections. As Table 18 shows, 44.4 per cent of the 133 infections due to all causes resulted from the handling of objects. Although only 11.1 per cent of all injuries for which the nature was reported resulted in infections, 26.8 per cent of the accidents caused by the handling of objects so resulted--one of them causing death and a number resulting in permanent disabilities.

The following cases show how simple injuries may, when not properly attended, develop into infections with often serious consequences ensuing.

¹See p.172 for discussion of the medical aspects of this case.

A 20 year old girl, employed to box radio tubes in a radio factory, lacerated her thumb on the edge of a label. An infection which developed in the wound disabled her for 8 weeks and 5 days and resulted in the 15 per cent loss of the use of the thumb.

A 19 year old clerk in a grocery store cut a finger while handling a crate. He continued to work without proper medical attention for about three weeks after the injury, ceasing only when a serious infection disabled him completely. He was taken from his place of employment to a hospital, where he died in several days.

A girl of Russian parents, who was reported by the employer as 19 years of age but who was only 17, punctured her right index finger while pinning tags on socks in a store where she was employed as a sales girl. An infection, which developed in the wound, caused the finger to become so stiff that it still handicaps her in certain types of work. She was granted compensation for a 25 per cent loss of use of the index finger and for nine weeks temporary total disability, a total of \$188.50. The employer reported that the costs of medical care were \$174.88. The girl was not reemployed by this employer, after she took the case to the Industrial Commission.

A 19 year old boy was disabled for 21 weeks by an infection which resulted from crushing a finger. The injury was caused while he was loading a stove on a truck. Medical care was not furnished by the employer. The decision of the arbitrator provided that the costs of medical care, amounting to \$181.91, were to be paid to the injured person. Compensation was awarded for the 100 per cent loss of use of the right finger and for temporary total disability, amounting to \$417.86, exclusive of medical costs.

Falls of persons.--Falls of persons, the third principal cause of work accidents to minors in Illinois in 1933, were responsible for 11.4 per cent of all accidents, according to Table 13. These falls were caused by slipping, stumbling, falls on stairs, and falls from scaffolds, ladders, planks, chairs, and benches. Table 17 shows that three of the young workers injured in this way were only fourteen years of age.

Permanent injuries resulted, as Table 15 shows, from falls in 18, or 13.0 per cent, of the cases, a smaller percentage than resulted in permanent injuries from all causes. However, 32.2 per cent of the employees injured in falls lost from thirty-one days to twelve weeks from work and 7.5 per cent were disabled for twelve weeks or longer, while only 26.5 per cent and 4.4 per cent of all injured minors were incapacitated for such periods, respectively. One young worker lost 26 weeks and 3 days from work; three others lost 21 weeks; one, 19 weeks and 6 days; one, 17 weeks and 4 days; two, 17 weeks; and two, 13 weeks; as a result of this type of accident. Examples of several of the more serious accidents due to

falls and of the youngest children involved are given below.

A 14 year old boy, employed as a caddy, was disabled for four weeks by an injury sustained when he slipped and fell backwards. The ligaments of his left wrist were torn and there was separation of the epiphysis of the right radius. He was paid \$22.50.

A boy who was 14 years of age tripped and fell while selling magazines. According to the accident report the large left toe was fractured. Seven days after the date of the accident, he secured a vacation certificate to sell magazines. A medical report submitted in proceedings before the Industrial Commission stated that a 50 per cent loss of the use of the right foot had been sustained. A settlement contract provided for the payment of \$350.00 in a lump sum. When visited by an investigator in 1935, the boy's father disclaimed any knowledge of the accident.

A girl, 14 years of age, was employed without a work permit at the soda fountain of a chain drug store. While at work she fainted and fell against a table and fractured her nose. She received \$59.46 compensation, including extra compensation for illegal employment. When interviewed two years afterward, she related that she still suffered occasional headaches and nausea as a result of her injury. Because she had misrepresented her age to the employer, two older sisters employed by the same firm, were discharged immediately after the accident. In 1935, none of the family was employed and the family was receiving relief.

A 19 year old boy, employed by a roofing company, slipped off a scaffold and fell two stories. He was disabled for 21 weeks by his injury, which was described on the employer's accident report as "busted right ankle" and "tendons torn loose right ankle." Compensation, amounting to \$379.50, was paid for a 10 per cent loss of use of the right foot and for temporary total disability.

A girl, 19, employed as a multiplex operator by a telegraph company, sustained injuries to her side and hip, when she slipped and fell in the company's office. She was disabled for work for twenty-six and one-half weeks and was under a physician's care for 15 months. After paying \$30.00 compensation, the employer refused further payment. Consequently, the girl petitioned the Industrial Commission through attorneys for adjustment of claim. The arbitrator who heard the case ruled that she was not entitled to further compensation for the reason that notice of accidental injury had not been given within the time limit set by law. Upon review by the full Commission, the decision of the arbitrator was reversed and an award of \$444.38 was made, including compensation for 15 per cent loss of the use of the left leg. Later a settlement contract providing a lump sum payment of \$470.00 was agreed upon. Approximately 60 per cent of the latter amount went for attorney's fees and expenses.

When interviewed three years after the accident, the girl said that she still had pains in her leg and was disabled for employment which required standing. She had only recently obtained employment. From the time of her accident until she secured work her family received relief.

A 20 year old girl, employed as a countergirl in a restaurant, injured her arm when she slipped on a wet floor. According to the accident report she suffered retarded motion and severe pain in the right arm, but according to the girl she sustained a broken arm. This injury disabled her for 17 weeks. She received \$130.71 compensation.

Another 20 year old girl, employed by a large Chicago department store as a salesgirl, injured her knee when she slipped on a greasy step. The insurance company doctor told her the injury was slight and sent her back to work. Her family physician, upon examination three days after the accident, diagnosed the condition as laceration of lateral internal and external ligament with fusion and hemorrhage into the knee joint. He treated her for approximately four months. She was disabled for 21 weeks and was paid \$157.50 compensation for this period of disability. Subsequently, she received an additional \$100.00 in a lump sum on a settlement contract. The employer paid the family physician under considerable protest. She was not reemployed by this employer and has found no other work since.

A 20 year old driver's helper for a parcel delivery company slipped on a stairway while making a delivery and sustained bruises of the right buttock. A fistula resulted, necessitating an operation. The insurance company surgeon thought a second operation was necessary, but, according to the boy's father, because he could not guarantee that it would be successful, it was deemed best to settle for cash with the company and to engage the family physician who was more encouraging. Accordingly a settlement contract providing for the payment of \$400.00, in addition to the \$148.93 already paid, was agreed upon. Up to this point the employer had paid medical and hospital costs amounting to \$450.00.

Stepping on or striking against objects.--Table 13 shows that 108 minors were injured by stepping on or striking against objects. Although, as Table 15 shows, a small percentage of permanent injuries resulted from this type of accident, 6 of these accidents were responsible for injuries incapacitating young workers for longer than twelve weeks (Table 19).

Accounts of the more serious accidents in this category are described below. Special interests attaches to one of these cases because it was diagnosed by physicians as "traumatic neurosis." Since it is the only one of its kind among the 1,233 cases included in this study, it is described in some detail.

A 20 year old young man was working as an errand boy for a lithographing company when he bruised his leg on an iron skid. Complications developed which required a deep incision in the leg. The employer furnished medical care, including eight months' hospitalization, and paid temporary disability compensation for 52 weeks. Feeling that he was unable to return to work when dismissed by the company physician, he retained an attorney who effected a settlement for 95 additional weeks of compensation for the 50 per cent loss of use of the leg. The settlement was final, so that, when he had to return

to the hospital for four months care, his employer was not responsible for the bill. Of the \$1,095.00 received, he paid \$150.00 to his attorney and \$400.00 to the hospital, leaving \$545.00 for the injury and for more than a year of incapacity. He returned to work for the same employer, and was still working for him at the time of the interview two years later.

A laborer for a meat packing company sustained a laceration of the anterior surface of the right thigh, resulting in a reported total disability of 19 weeks, for which \$142.50 compensation was paid. A settlement contract for a lump sum settlement was made about 14 months after the accident. It provided for the payment of \$1,500.00 additional compensation for "partial loss of use of the right leg and heart affliction due to streptococcic infection."

A 19 year old girl of foreign parentage, employed as a labeler in a paint and varnish factory, fell in a low place in the floor and struck her head on a truck, which she was helping to load on a Sunday afternoon. In hearings before an arbitrator, two years after the accident, physicians gave markedly different testimony. The diagnosis of one was as follows: "Traumatic neurosis with hysterical symptoms in a personality constitutionally predisposed to such disturbances." Another testified that "there had been concussion of the brain, possible skull fracture. There was marked hysteria, due perhaps to psychic shock from the fall which might have been into the machinery. . . . there might be organic lesions in the brain." The medical examiner for the Industrial Commission stated that "the girl was suffering from a traumatic neurosis with associated hysteria." The family physician, who was unaccustomed to the procedure, was made to appear incapable of any acceptable medical diagnosis by the insurance company attorney¹ aided by insurance company physicians who may be said to be professional witnesses. After many hearings, a settlement contract providing for a lump sum payment of \$1,500.00, in addition to \$90.00 already paid, was agreed upon.

For ten months following the accident, this girl was seldom able to be out of bed and during most of the time was unable to speak. She could not retain food and lost a great deal of weight.

When she was visited, six months after the final settlement, her step-mother was at first unwilling to admit the interviewer, saying that they wanted to forget all the unhappiness they had had regarding the case. It was evident that the hearings before the Industrial Commission and the many examinations by doctors had been a humiliating and confusing experience for both her and her step-daughter. They were suspicious of everyone connected with the case and even felt that their family doctor had been "bought off" by the insurance company. The step-mother felt that advantage had been taken of her inability to speak English well. The family were obviously bewildered by the medical terms used by the doctors in the Commission hearings.

The step-mother showed the interviewer a picture of her daughter taken before the accident, when she was a plump,

¹This attorney was rated by an employee of the Industrial Commission as one of the cleverest and most skilled of those who specialize in compensation practice.

healthy-looking girl. This picture was quite a contrast to the frail and nervous young woman whom the interviewer saw. For two months preceding she was able to talk, but prior to that, there were periods of several weeks when she was unable to talk. She still has severe headaches at times and is often nauseated. Although nervous she discussed her troubles more calmly than did the step-mother, who was almost hysterical when she recalled the anxiety they had suffered during that time.

Eleven months after the accident, the injured girl married a young man she had been "keeping company with" for two years. She was not well at that time and was unable to talk except in a whisper. The step-mother told the investigator that one of the doctors had suggested that the girl's health might improve if she married. Anxious to do anything that would make matters better, the step-mother had urged her to marry.

When the young woman was not present, her father told the investigator that she was "no good as a wife to her husband" on account of her health and he is afraid that the husband will leave her and her step-mother explained that, as a result of the accident her uterus is tipped and that she will be unable to have a child until this condition is corrected. Although the family realizes that she needs medical attention, she has not been to a doctor during the past six months. Her experiences in being examined by so many doctors make her reluctant to go to a doctor again.

The \$1,500.00 compensation was expended as follows: attorney's fees, \$480.00; a friend who secured the last attorney, \$100.00; medical care, \$100.00; purchase of real estate, \$910.00.

Falling objects.---Falling objects were responsible for 108 accidents, 8.8 per cent of all work accidents to minors in Illinois in 1933. Two of the injured children were only thirteen years of age (one was reported as fourteen by his employer), while 5 were sixteen; 3, seventeen, and 98 were eighteen or older. The thirteen year old children were seriously injured while employed as golf caddies, an occupation construed as of "a harmless character" for children under fourteen years of age in Illinois since a Supreme Court decision in 1923.¹ These youngsters were, therefore, not covered by the Illinois Child Labor and were not entitled to extra compensation. The following accounts describe their accident and compensation experiences.

A 13 year old boy of Italian parents on relief, sustained a laceration under the left eye when struck by a golf ball at close range while employed as a caddy. Medical care was furnished by the golf club, but no compensation was offered until an attorney was engaged by the boy's brother, the caddy master having told the boy to "keep still" about his injury or

¹The Indian Hill Club v. Industrial Commission, 309 Ill. 271 (1923). See additional discussion related to this decision on p. 28.

lose his job. The attorney secured a settlement of \$107.50, from which he deducted \$40.00 for his fees. The boy has since dropped out of school, his lack of interest dating from the time of his injury according to the mother, and he has not been employed since. The mother was fearful, when interviewed in 1936, that the injury has affected or will affect the sight of the injured eye, because at times the boy complains of pains in the scarred area just under the eye.

Another 13 year old boy of Italian parents, who were on relief, was employed as a caddy at a country club. While his patron awaited her turn at the tee, another golfer sliced in teeing off, and the ball struck the lad on the side of the head knocking him unconscious. He was taken to a hospital, where he remained unconscious for three days. According to his parents he suffered a fractured skull, although the accident report filed with the Industrial Commission described the injury as "an apparent bruise" on the right side of the head above the ear. Hospital and medical bills were paid by the man who drove the ball, but compensation was refused until the case was brought before the Industrial Commission by an attorney. A lump sum settlement, amounting to \$1,250.00 was ordered paid in September, 1934. When the boy's parents were interviewed in December, 1935, they denied knowledge of the receipt of compensation. However, a receipt is on file at the Industrial Commission.

After he returned to school in September of the accident year, the boy lost considerable time because of severe headaches. His progress in school, according to the mother has been affected greatly by his injury; for while he was alert before the accident, he has since been slow and dull.

Bruises were sustained by 45.2 per cent of the young workers injured by falling objects; cuts and lacerations, by 19.2 per cent of them; and fractures, by 17.3 per cent. One death and 17 permanent injuries, as Table 15 shows, resulted from accidents caused by falling objects. Of the 105 who were temporarily incapacitated for work, 23 lost from thirty-one days to twelve weeks, while 3 lost more than twelve weeks employment (Table 19).

The circumstances of the one fatal injury and of several of the other more serious accidents from falling objects are described in the following accounts.

A boy, 18 years of age, employed as a concrete mixer by a general contractor for \$5.00 per week, was crushed to death when pinned under a concrete form and concrete. Although the parents and four sisters and brothers declared their partial dependence upon the deceased boy's earnings, a settlement contract providing for the payment of only \$750.00 was agreed to by them. Apparently, the employer's denial that "there existed any actual dependency on the part of the father or mother of the deceased" was the decisive factor in a compromise which provided for the payment of less than the minimum of \$1,000.00 compensation which the law requires in fatal cases. Affidavits accompanying a petition for payment in a lump sum stated that the family home was mortgaged for \$1,200.00 and was in jeopardy because of unpaid interest and taxes. Because of this

situation, the lump sum payment was approved by the Industrial Commission.

A boy of 18, who was employed as a clerk in a retail grocery store, was reported to have sustained a "possible fracture of skull on right side of head," when another boy dropped a heavy box on his head. A disability of four weeks was reported, but, according to the boy, he was disabled for seven months. Until an attorney brought the matter before the Industrial Commission only \$22.50 was paid as compensation. A settlement contract providing for a lump sum payment of \$775.00 was finally agreed to. Of the latter amount the lawyer received \$193.75. Two years after the accident the boy was working for the same employer.

A clerk in a mail order house, age 20 years, sustained a fractured toe when a piece of pipe fell on it. He was disabled for 23 weeks and five days and was paid \$243.52 compensation. Medical care was furnished by the employer.

A 17 year old boy's first job was as a stevedore. When struck by a boom, he sustained lacerations of the scalp, right shoulder, and left arm. He was hospitalized for three weeks and under a physician's care for 15 weeks. He was paid \$118.93 compensation for 15 weeks and six days temporary total disability. According to the boy, a "Big Ten" university withdrew a football scholarship in the summer of 1935, when a medical examination revealed the numerous scars on his body which resulted from his injuries. However he received a similar offer from a lesser known university and was enrolled there for the year 1935-1936.

Hand tools.--As Table 13 shows, hand tools were responsible for accidents to 91 minors, 72 of them boys. Knives were the most important cause of the injuries suffered, being responsible for 33. One injury was fatal and another resulted in the loss of an eye. Accidents occurred in the use of picks and shovels, wrenches, ice picks, cleavers, and other tools. Only one of the young persons injured in this way was under sixteen years of age, and he was illegally employed in a hazardous occupation.

Fifty-two per cent of the young people injured by hand tools suffered cuts and lacerations, while only 28.8 per cent of all injured minors sustained this type of injury. Sixteen per cent of them suffered infections, and 14 per cent sustained bruises. The other types of injuries resulting from hand tools are shown in Table 18.

Of the 91 accidents occurring in connection with hand tools, 16.6 per cent, as Table 15 shows, resulted in permanent injuries. Two of these permanent injuries involved the loss of or the loss of use of eyes.

Descriptions of the circumstance of the two cases of illegal employment, of which one was fatal, and of the two more serious

injuries occurring within this category are given below.

A 15 year old butcher's apprentice, who was reported by his employer as 18 years of age, began work for the accident employer at the age of 14 years without a work permit and continued to work without one. The accident occurred when a meat cleaver, which he was using to cut a piece of lamb shoulder, slipped and cut the tendons and bone of the left thumb. After arbitration proceedings had been initiated in the boy's behalf, a settlement contract was drawn which provided for the payment of \$238.39 compensation for the 35 per cent loss of use of the thumb and for seven weeks and two days temporary total disability. No cognizance was taken of the boy's illegal employment.

A 15 year old Negro boy, lacking proper medical attention bled to death from a knife wound in his leg, which he sustained while killing chickens for his employer, a grocer. The employer seemed indifferent at the time of the accident to the boy's injury and has not paid the boy's mother a cent of compensation. When this child stuck himself in the thigh with the 11 inch long knife which he was using to kill chickens, a fellow employee took him through the store, past the employer who continued to serve customers, to an automobile and drove to a hospital which had moved very near the scene of the accident five years ago. Meanwhile, the injured boy had fainted. His companion then took him to what he thought was a hospital, but it too had closed and in its stead were physicians' offices.

After being dropped twice in the street, the boy was taken in there and given first aid by a doctor who sent him home, saying that an operation was necessary and that he would follow to make arrangements for hospitalization. The boy's mother immediately called the police to take him to Cook County hospital. According to the mother, when the police came, they made a detailed investigation of the accident before starting for the hospital. Then, it was too late! The child died on the way to the hospital.

The employer remained aloof and indifferent to the accident. A public relief agency, which was supporting the boy's family, paid for part of the funeral expenses, and referred the mother to the Legal Aid Bureau. An attorney, secured through the latter agency, brought the case to the Industrial Commission. The arbitrator awarded \$1,000.00 to the mother as a partially dependent survivor, but took no cognizance of the fact that the boy was illegally employed without a work permit. The employer, although still in business three years after the accident, had not paid any compensation. During these years, the family had been on relief continuously except for a brief period, when the relief agency stopped relief pending a report from the Industrial Commission. At that time the latter agency suggested that a judgment be secured in a court of record against the defaulting employer, but the suggestion was not heeded.

The Industrial Commission as a matter of policy does not act on its own initiative when compensation is not paid. In cases like this one it may, however, add a penalty to the primary compensation, or it may refer the case to the attorney general of

the state. According to information secured, it seldom uses either of these powers.

A 19 year old waitress was cut in the eyeball, when a knife slipped from the hands of the restaurant foreman as he removed notices from a dressing room wall. Removal of the injured eye was necessary. The employer provided medical care and furnished an artificial eye. The girl was completely disabled for six weeks, for which \$52.50 compensation was paid. Three months after the accident a settlement contract and a lump sum settlement for \$1,018.64 was approved by the Industrial Commission. The reasons given in the petition for a lump sum payment were described as follows: "Petitioner was out of work for a considerable length of time prior to obtaining employment as a waitress by the respondent. She has been out of work ever since the injury was incurred. She is indebted to various persons in divers sums of money which she borrowed from time to time in order to support herself, and that petitioner has absolutely no money of her own, and desires to invest a part of said money in some small business enterprise in order to earn a livelihood, by reason of her employment."

In an interview with the girl's parents two years after the injury, it was learned that she feels very self-conscious about her artificial eye and always imagines people are staring at her. She left the only job she has had since the injury after working only three weeks, because of this sensitiveness. Within the last year she had been having trouble with her other eye.

A 20 year old employee sustained the loss of use of his right eye as the result of being struck by a wrench which he was using to adjust the bearing of the motor of an electric fan. A settlement contract provided for the payment of \$750.00 compensation in a lump sum in addition to \$45.00 already paid. This compromise obligated the employer to pay for medical bills incurred until that time by the employee. The employer carried no insurance.

Fires, explosions, hot and corrosive substances, and other causes.--Of the 81 accidents considered in this section, 31 were caused by hot substances, 11 by corrosive substances, 7 by explosions, 6 by fires, 2 by electricity, and 24 by a miscellany of unclassified causes (Table 13).

A newsboy, age 14 years, was shot in the left thigh and the left side at 2 a.m., when the newspaper truck on which he was being returned home from his newstand in the loop was held up. He was taken to a hospital, where he remained for 14 days. His parents were not notified about the accident or his whereabouts and when discharged from the hospital, he was obliged "to drag himself home." He was unable to walk without crutches for nine months and was under a private physician's care for 16 weeks. The newspaper company denied any responsibility, but finally paid \$110.70 in a lump sum. Out of this amount, medical bills amounting to \$76.00 and attorney fees of \$10.00 had to be paid.

This boy was one of a family of seven children living in a deteriorated Polish neighborhood. After completing grade

school, he attended high school for two months, but found the work difficult and uninteresting. His family, when interviewed in 1936, had been receiving public relief since 1932.

Three deaths and 12 permanent injuries, including the loss of the sight of an eye by a seventeen year old boy, resulted from accidents due to causes classified in this category. In two of the fatal cases, the employers denied that the death occurred in the course of employment. In one case the boy's survivors secured compensation only after the case was carried to the circuit court. The employer in the other case was able to plead that he had not been notified of the accident within the time limit set by the statute. In the latter case, the deceased girl's parents did not press their claim beyond arbitration. Accounts of the three fatal and of the one eye accident cases are described forthwith.

A band picker in a coal mine, age 20 years, was shot through the abdomen while on the way home from work. The shooting was attributed to a dispute between the United Mine Workers of America and the Progressive Miners' Union. Dependent parents and seven brothers and sisters survived the deceased. In proceedings before the Industrial Commission, the arbitrator found that the injuries did not arise out of and in the course of employment and, therefore, no compensation was payable. Upon review the Commissioners sustained the award of the arbitrator. The Circuit Court of Sangamon County reversed this finding and ordered the decision of the Industrial Commission set aside and awarded the parents \$3,033.23--\$7.69 per week for a period of 416 weeks.

A boy, 17 years of age, employed as a messenger for a brokerage house, suffered an infection in the left eye after a grain of sand had been blown into his eye by the wind. An arbitrator awarded him \$7.50 per week for one week and four days temporary total disability and \$7.50 for 120 weeks for the complete loss of sight in the left eye. Upon review before the whole Commission, compensation for two additional weeks for temporary total disability were added to the arbitration award. After the insurance company had given notice of removal of the case to the Superior Court of Cook County, a settlement contract, in accordance with the terms of the award and providing for the payment of \$911.78 in a lump sum without commutation, was agreed upon. With this money, the boy paid an attorney's fee of \$136.77, medical and hospital costs, in addition to medical care furnished by the insurance company, bought government bonds, and expended the remainder for school and general expenses.

A laborer, 20 years of age, employed in an ammunition and brass products factory, was fatally injured as the result of an explosion which occurred while he was preparing to dispose of scrap priming mixture. His injury, according to the employer's report of the accident, included "cuts, lacerations, abdomen torn open, left hand torn off." Compensation amounting to \$3,203.80 was granted to the parents. A settlement

contract provided for the payment of \$400.00 in a lump sum and the balance in weekly installments of \$10.00. There is no record that the \$400.00 was ever paid as provided, but periodic payments were being made in 1936.

A 17 year old girl was employed as a solderer in an electrical supply factory at a weekly wage of \$10.00. After 23 months of this work for the same company, she contracted tuberculosis resulting, she and her family claimed, from the inhalation of poisonous fumes while soldering with lead. For eight and one-half months she was under the care of a physician at the expense of her family, although she spent one month of this period in the Cook County Hospital, a tax-supported institution. No medical care was provided by the employer. At the end of this time she died at the age of 20 years.

The girl apparently knew little if anything about her compensation rights, as was shown by her failure to report her illness because she thought at the time she left work that she would soon be well and able to return to her job. Her brother, who was interviewed, said that she knew she was entitled to something because she had been paying \$0.25 weekly into a group insurance system. He was doubtful, however, if she knew about the Workmen's Compensation Act.

Because the girl had failed to give notice within the required time limit, the employer refused to pay anything. The family employed an attorney who was finally able to get for them, six months after the girl's death, a lump sum settlement of \$200.00. Of this amount the attorney received \$60.00, and \$100.00 went to pay the doctor bills, leaving only \$40.00 -- scant recompense for the husband and family of the deceased girl. In proceedings before the Industrial Commission, the employer denied that there was any connection between the girl's employment and her fatal illness.

Burns, as might readily be expected, were the most frequent injury, occurring to 61.7 per cent of the 81 minors whose accidents resulted from fires, explosions, hot and corrosive substances. In fact 50 of the 56 minors who suffered burns from all causes were injured by conditions within this cause category. Two of the more serious accidents resulting from burns are described in the following accounts.

A 20 year old punch press operator in a pump manufacturer's plant burned his legs when a gasoline blow torch exploded while being pumped up. An arbitrator of the Industrial Commission ordered the payment of \$739.10 compensation to cover 21 weeks and 5 days temporary total disability, the 15 per cent loss of use of the left leg, and medical expense of \$352.50.

The employer petitioned for a review of the arbitration award, but before the case was heard by the Industrial Commission, a settlement contract providing for the payment of \$650.00 in a lump sum without commutation was agreed upon, which amount was in addition to \$22.50 already paid for temporary total disability.

A 16 year old boy, who was reported as 17 years of age, was burned about the face, hands, and legs when a fire broke

out in the gas and oil station where he was employed as an attendant. Hospital care for eight weeks and a physician's care for an additional six weeks were furnished by the employer. The Industrial Commission refused to approve a settlement contract which provided for a lump sum payment of \$179.29. Subsequently, an arbitrator awarded \$399.50 as compensation for disfigurement of both hands, plus \$83.78 for accrued temporary total disability, or a total of \$483.28. The employer appealed for a review of this decision, but a settlement contract providing for the payment of \$400.00 in a lump sum was approved before the hearing. The amount of this settlement was in accordance with the recommendation of a medical examiner of the Industrial Commission.

In an interview, the parents of the boy, who was at a Civilian Conservation Corps camp at the time, related that neither the employer nor the attending physician had mentioned compensation. They were not clear about how they learned about his rights. Someone at the Industrial Commission referred the boy and his father to an attorney, who appeared to them to have his office in connection with the Commission's offices. The attorney agreed to take the case for a 15 per cent fee, but was paid \$100.00, or 25 per cent. All of the \$300.00 compensation was expended for clothes and the like. The family of six members were on relief at the time of the accident and also when interviewed in 1935.

Hours of Employment of Injured Minors¹

The hours worked per day and per week by injured minors, in addition to being indices of the general conditions under which minors work in Illinois, may be considered at least indirect causal factors in employment accidents. Long hours of work produce fatigue that endangers the safety of the workers and their fellow employees. Efforts have therefore often been directed toward a reduction of the hours of work as a means of reducing the human factor in the accident hazard.

The accident report blank prescribed by the Industrial Commission provides space for the hour of the day when the accident occurred, the hours worked per day, the hours worked per week, days worked per week, and the average weekly wages. Of the 1,233 minors injured in 1933, the hours worked per day were reported for 777, 63.0 per cent; the hours worked per week for 751, 60.9 per cent; while the average wages per week were reported for all but 7 of the injured minors. In preparing the tabulations, which are presented in the tables about to be discussed, no at-

¹Compiled on the basis of information filed by employers on the accident reports sent to the Illinois Industrial Commission.

tempt was made to differentiate between part and full time employment. It is probable that the hours worked by part time employees were in many instances not reported.

Table 21 shows that the working week was a very long one for a majority of the injured young workers. Only 90 were employed less than forty hours per week; while 220 worked from forty to forty-four hours per week, and 239, from forty-five to forty-nine hours per week. Altogether, 202 of the 751 for which data were filed worked more than fifty hours per week; 75, for more than sixty hours per week; 16, for more than seventy hours per week; and 6, seventy-five or more hours per week. Some of those who worked long hours were quite young.¹ One sixteen year old boy worked seventy-eight hours per week; one eighteen year old boy seventy-seven, and another, ninety-one hours per week; two twenty year old boys worked seventy-seven hours per week, while another worked ninety-seven hours per week. One sixteen year old girl worked sixty, while another worked seventy-eight hours per week.

The daily hours were also long as Table 22 shows. Of the 777 minors, their employers reported that 142, or 18.3 per cent, worked nine hours per day; 83, ten hours; 5, eleven hours; and 10, twelve hours or more per day. One of the latter worked fifteen hours and another from ten to sixteen hours a day. Two who were sixteen years of age worked nine hours a day; 1, ten; 1, eleven; and 1, twelve hours a day. These are very long hours for experienced adults and are especially fatiguing to young and inexperienced young people. That they would often under such circumstances exercise less than the necessary caution was to be expected.

Total Amounts and Rates of Compensation

Cash payments awarded minors who suffered industrial accidents in Illinois in 1933 amounted to \$119,851.23.² Although interviews with injured minors and examination of the records at

¹The working hours per day and per week of minors of specified age and sex are shown in detail in Tables 35 and 36, pp. 228-29.

²This figure represents the sum of the amounts of compensation reported as paid on the final settlement receipts in "Closed" cases and the amounts awarded or recognized as due by the Industrial Commission in "Open" cases (at the time the amounts were copied in April-July, 1935) to 1,233 injured minors.

TABLE 21
WORKING HOURS PER WEEK OF MINORS INJURED IN WORK
ACCIDENTS IN ILLINOIS IN 1933

Working Hours per Week	Minors Injured in Work Accidents	
	Number	Percentage
Total minors	751 ^a	100.0
Less than 30 hours	31	4.1
30 hours less than 35 hours	24	3.2
35 hours less than 40 hours	35	4.7
40 hours less than 45 hours	220	29.3
45 hours less than 50 hours	239	31.8
50 hours less than 55 hours	99	13.2
55 hours less than 60 hours	28	3.7
60 hours less than 65 hours	53	7.1
65 hours less than 70 hours	6	0.8
70 hours less than 75 hours	10	1.3
75 hours or over	6 ^b	0.8

^aExcludes 482 for whom the hours worked per week were not reported by employers to the Industrial Commission.

^bFor three minors a working week of 77 hours was reported; for one, 78, for another, 91; and one, 97.

TABLE 22
WORKING HOURS PER DAY OF MINORS INJURED IN
WORK ACCIDENTS IN ILLINOIS, 1933

Working Hours per Day	Minors Injured in Work Accidents	
	Number	Percentage
Total minors	777	100.0
Less than five hours..	11	1.4
Five hours	11	1.4
Six hours	35	4.5
Seven hours	49	6.3
Eight hours	431	55.5
Nine hours	142	18.3
Ten hours	83	10.7
Eleven hours	5	0.6
Twelve hours	6	0.8
Thirteen hours or more	4 ^a	0.5

^aTwo worked 13 hours per day; one, 15:
and one, from 10 to 16 hours per day.

the Industrial Commission warrant caution in assuming that the injured minors were actually paid that amount of compensation, the grand total of \$119,851.23 might be accepted as generally indicative of the high cost to employers of accidents to Illinois young people in 1933. The importance to employers of preventing accidents is clear. Yet that figure shows only a fraction of the total costs of work accidents to minors! It does not include the costs of medical, surgical, and other treatment borne by employers or their insurance carriers. It does not measure the production losses to industry, or the total wage losses to the injured minors, or the future economic and social handicaps which will make it difficult for them to get jobs and to maintain their independence.

The compensation paid for 10 fatal injuries was \$18,498.03 --16 per cent of the total amount of compensation granted in all cases of injuries to young persons in 1933. As Table 23 shows, the median amount of compensation granted in these 10 cases was \$1,687.50, but the individual amounts ranged from \$200.00 to \$3,536.00. In three cases the amount of compensation was less than the minimum of \$1,000.00 fixed by the Workmen's Compensation Act.

As Table 23 shows, the total compensation paid to 297 minors who suffered permanent partial injuries was \$75,985.58, including payments for temporary total disability as well as the amount paid in accordance with the schedule of benefits for specific losses of body members.

Table 24 shows the total amounts of compensation granted to all minors who sustained injuries from specific causes. It may be noted that while only 10.3 per cent of all minors were injured in vehicular accidents, 17 per cent of the compensation awarded to all 1,223 young employees was granted to those who were the victims of vehicular accidents. The seriousness of the injuries resulting from other causes is further suggested by other comparisons of the percentage of compensation granted for a specific cause with the percentage of minors injured from that cause. For example, 16.7 per cent of all compensation was awarded the minors injured in connection with metal working machinery, while those injured from this cause constituted only 8.3 per cent of all who were injured.

As has been pointed out above, the heirs of three minors

TABLE 23

TOTAL AMOUNT OF COMPENSATION GRANTED TO MINORS SUSTAINING
DISABILITIES OF SPECIFIED EXTENT FROM INJURIES SUS-
TAINED IN WORK ACCIDENTS IN ILLINOIS IN 1933

Extent of Disability	Number of Minors	Compensation Granted	
		Total Amount	Median Amount
Total ^a	1,223	\$119,851.23	\$ 22.50
Extent reported ...	1,216	118,383.73	22.38
Fatal	10	18,498.03	1,687.50
Permanent partial	251	72,558.10	184.61
Disfigurement ...	46	3,427.48	54.18
Temporary total..	909	23,900.12	17.05
Extent not reported	7	1,467.50	100.00

^aExcluded are ten cases in which the amounts of compensation were not reported.

TABLE 24

TOTAL AMOUNT OF COMPENSATION GRANTED TO MINORS SUSTAINING
INJURIES IN WORK ACCIDENTS IN ILLINOIS IN
1933, BY SPECIFIED CAUSE OF INJURY

Cause of Injury	Injured Minors Granted Compensation			
	Minors		Total Amount of Compensation	
	Number	Per Cent	Amount	Per Cent
All causes	1,223 ^a	100.0	\$119,851.23	100.0
Accidents due to machinery ...	322	26.3	42,541.85	35.5
Prime movers and transmis-				
sion apparatus	9	0.7	401.42	0.3
Working machinery	286	23.4	38,756.56	32.3
Metal working	101	8.3	19,984.35	16.7
Food products	63	5.2	6,574.47	5.5
Woodworking	28	2.9	3,517.23	2.9
Textile	19	1.6	1,187.41	1.0
Printing	19	1.6	1,858.77	1.5
Paper products	18	1.5	1,847.92	1.5
Leather	14	1.1	2,135.40	1.8
Other	24	2.0	1,651.01	1.4
Other than working machinery.	6	0.5	189.27	0.2
Elevators and hoisting ap-				
paratus	21	1.7	3,194.60	2.7
Accidents not due to machinery	879	71.9	75,554.35	63.0
Other than vehicles	753	61.6	54,331.97	45.3
Handling objects	226	18.5	11,775.39	9.8
Falls of persons	140	11.7	9,333.12	7.8
Falling objects	108	8.7	6,527.34	5.4
Stepping on or striking				
against objects	107	8.7	9,797.92	8.2
Hand tools	91	7.4	5,794.79	4.8
Fires, explosions, hot or				
corrosive substances	64	5.2	6,197.40	5.2
Miscellaneous	17	1.4	4,906.01	4.1
Vehicles	126	10.3	21,222.38	17.7
Automobiles and motor trucks	64	5.2	8,662.34	7.2
Mine and quarry cars	26	2.1	9,427.88	7.9
Bicycles	18	1.5	1,989.89	1.7
Other vehicles	18	1.5	1,142.27	1.0
Not reported	22	1.8	1,755.03	1.5

^aNo compensation was reported paid to ten minors.

were not awarded the statutory minimum of \$1,000.00 payable in accidents resulting in death. The circumstances in two of these cases call attention either to a weakness in the Workmen's Compensation Act or the lack of strict interpretation of its provisions by the Industrial Commission. Paragraph (c) of section 7 of the Act provides that if no amounts of compensation are payable to any surviving widow, child, or children who the deceased was under legal obligation to support, or any parent, husband, child, or children who were totally dependent upon the deceased earnings, and

the employee leaves any parent or parents, child or children, who at the time of injury were partially dependent upon the earnings of the employee, then such proportion of a sum equal to four times the average annual earnings of the employee as such dependency bears to total dependency, but not less in any event than one thousand dollars and not more in any event than three thousand seven hundred fifty dollars . . .¹

While it seems clear that this section directs payment of a minimum of \$1,000 compensation in all cases of death regardless of the percentage of dependency, in practice the amount seems to be determined by the fact and degree of dependency. In a number of decisions the Illinois Supreme Court has declared that the determination of the fact of dependency was a function of the Industrial Commission.² Therefore, if an employer or insurer alleges and successfully maintains before the Industrial Commission that the parents or relatives of a deceased minor were not dependent upon his meagre wages, the employer or insurer is allowed to escape the obligation which the compensation law seemingly intended to impose. This type of evasion should be difficult in view of statements made by the Illinois Supreme Court concerning what constitutes dependency when the deceased employee is a minor.³ In the

¹ Illinois Workmen's Compensation Act, sec. 7 (c).

² The Richardson Sand Co., v. Industrial Commission, 296 Ill. 335 (1921); The Chicago, Wilmington and Franklin Coal Co. v. Industrial Commission, 303 Ill. 540 (1922); John M. Smyth Co. v. Industrial Commission, 306 Ill. 171 (1922), and other decisions.

³ The Metal Stamping Corp. v. The Industrial Commission, 285 Ill. 528 (1918); The Richardson Sand Co. v. The Industrial Commission, 296 Ill. 335 (1921); The Chicago Wilmington and Franklin Coal Co. v. The Industrial Commission, 303 Ill. 540 (1922); The John M. Smyth v. The Industrial Commission, 306 Ill. 171 (1922).

case of a 19-20 year old boy, who was killed while employed at a grocery store in Elgin and who had been paying his parents \$4.00 a week for his room and board, the Court stated that

Partial dependency may exist even though the testimony shows that the claimant (the father) could have subsisted without the contributions of the deceased. It is not necessary to show that the claimant would have been without the necessities of life in the absence of such contributions, nor is it necessary to show that the dependent was without other means of support. The test is whether the contributions were relied upon by the dependent for his, or her means of living.¹

The Supreme Court made another clear statement of the law applicable in cases involving deceased minors in Chicago, Wilmington and Franklin Coal Company v. Industrial Commission.² In this case an eighteen year old boy died as the result of an injury sustained while working in a coal mine. At the time of his accident the deceased was earning \$60.00 per month and was contributing a substantial portion of his earnings to the support of his parents and their family of nine children. In upholding the Industrial Commission's award of \$1,650, which was in 1920 the minimum provided by paragraph (c) of section 7 of the Workmen's Compensation Act, the Court declared:

The test for determining dependency is whether the contributions of the deceased were relied upon by the dependent for his means of living as determined by his position in life, or whether the dependent was to a substantial degree supported by the employee at the time of the employee's death. A child contributes to the support of its parents, within the meaning of the Compensation Act, when it contributes a substantial sum to the support of the family, although the sum is less than the actual cost of its support and maintenance where the child is a minor or is in a condition to demand legal support from its parents.

From these decisions it is apparent that a parent is entitled to compensation in a case where the minor child is living at home even though he contributes less than the actual cost of his own maintenance, even though the earnings of the child may be less than the cost of his maintenance.³ However, the accounts⁴ of two fatal cases occurring in 1933 illustrate how the minimum com-

¹The Richardson Sand Company v. The Industrial Commission, 296 Ill. 335 (1921).

²303 Ill. 540 (1922).

³George W. Angerstein, The Employer and the Workmen's Compensation Act of Illinois (Chicago: Hawkins & Loomis Co., 1923), p. 243.

⁴See pp.101, 118 for a description of the circumstances.

pensation provision of the Workmen's Compensation Act (paragraph [c] section 7) may be vitiated despite the statements made by the Supreme Court. Either statutory clarification or stricter administrative interpretation, or both, are needed to prevent the recurrence of such or similar cases. Perhaps, an amendment making specific provision for the payment of an absolute minimum to surviving parents in cases of deceased minors may be necessary in view of the judgments of the Commission. The provision for the payment of \$1,000, for example, to bereft parents regardless of the degree of their dependency, could hardly be opposed as an act to defeat the purpose of workmen's compensation--that of compensating only in part for losses suffered through injuries or death.

The contemplation of the costs in money and mutilation should argue for aggressive administrative action in the field of accident prevention through employee and employer education and safety legislation. Evidence is lacking to show that the Illinois Industrial Commission has been sufficiently alert and responsive to the tasks which these responsibilities thrust upon it. No definite working relationship existed in 1933 or later between the Commission's Accident Report Division and the Division of Factory Inspection of the State Department of Labor, such as is the practice between compensation and factory inspection departments in other progressive states.¹ However, the importance of this type of inter-departmental arrangement was not only recognized but was acted upon by the Division of Statistics and Research of the Department of Labor in 1935. In that year it inaugurated several changes which are designed to make the accident statistics prepared by it serve the primary purpose of accident prevention.² It began to prepare monthly reports of accidents by industry, cause, and factory inspection areas for use by the Division of Factory

¹Sidney W. Wilcox, "Statistics in the Service of Accident Prevention" and James L. Gernon, "Progress Made in the Prevention of Industrial Injuries," Discussion of Industrial Accidents and Diseases, U. S. Department of Labor, Division of Labor Standards, Bulletin No. 2, pp. 229-31 and 217-26, respectively. In the latter article Mr. Gernon states that the factory inspectors in New York State are furnished photostatic copies of employers' accident reports of industrial injuries as part of that state's accident prevention program.

²Swanish, The Costs of Industrial Accidents in Illinois for the Year 1935, Division of Statistics and Research, Illinois Department of Labor, Mimeographed Report, 1936.

Illinois Department of Labor, Division of Statistics and Research, Mimeographed Report, March 14, 1936.

Inspection and for measuring "the comparative effectiveness with which practical factory inspection work is being accomplished" in Illinois.¹ Simultaneously "a method of continuous 'reporting back' by the Division of Factory Inspection concerning conditions in plants where an accident occurred was put into practice."² Reports, however, as to the effectiveness of this scheme are as yet unavailable.

Although the Industrial Commission did not have an accident prevention program of its own, its chairman participated in all the conferences of the Chicago Safety Council.³ Legislation enacted in 1936, which it sponsored and actively supported, will give the Commission an opportunity to assert leadership in the field of industrial accident prevention in Illinois. A companion bill to the "Workmen's Occupational Diseases Act," known as the "Health and Safety Act,"⁴ and passed with the former on March 16, 1936, provides that the Industrial Commission shall make and publish rules relating to the health and safety of all employees except those engaged in agricultural employment and in the coal mining industry.⁵ The "Health and Safety Act" further provides for the enforcement by the State Department of Labor of such rules as are established.

According to Table 25, the wages of the young workers injured in Illinois in 1933 were so low that the minimum rate of compensation fixed by the law--\$7.50 per week--was paid as compensation to 945, or 77.4 per cent, of all the injured minors. Payment at this rate was more than 50 per cent of the average weekly wage in 782 cases, as the wages of that number of minors were lower than \$15.00 per week. Four minors were granted compensation at a rate lower than the prescribed minimum. In each of these cases compensation was granted on the basis of 100 per cent of

¹Ibid.

²Ibid.

³Illinois Industrial Commission letter of June 10, 1936.

⁴Illinois Session Laws, 1936 (3rd Special Session), pp.33-40. The Workmen's Occupational Diseases Act became effective on October 1, 1936, and the Health and Safety Act becomes effective on July 1, 1937.

⁵The Department of Mines and Minerals, created in 1917, is responsible for the enforcement of laws protecting the health and safety of miners and for diffusing information concerning the nature, causes, and prevention of mine accidents. See Illinois Revised Statutes, 1935, Cahill, chap. 24a, secs. 3 and 46 ff; also, see Earl R. Beckner, A History of Labor Legislation in Illinois (Chicago: The University of Chicago Press, 1929), pp. 310-11.

TABLE 25
RATE OF COMPENSATION GRANTED TO MINORS INJURED IN
WORK ACCIDENTS IN ILLINOIS IN 1933, CLASSIFIED
ACCORDING TO AVERAGE WEEKLY WAGE

Average Weekly Wage	Minors Injured in Work Accidents										
	Total	Weekly Rate of Compensation in Dollars									
		Less Than 7.50	7.50	8.00	9.00	10.00	11.00	12.00	13.00	14.00 or Over	Rate Not Reported
Total ^a	1,221	4	945	79	75	38	32	22	6	15	5
Less than \$5.....	42	1	41	..	..	..	..	..	..	..	..
\$5, less than 10.	250	2	241	..	..	..	4	..	1	..	2
\$10, less than 15	490	1	479	1	..	..	5	2	..	2	..
\$15, less than 20	346	..	179	77	75	1	13	..	..	1	..
\$20, less than 25	57	..	..	1	..	36	10	9	..	1	..
\$25, less than 30	20	..	..	..	..	..	..	11	5	3	1
\$30 or over.....	9	..	..	..	..	1	..	..	..	8	..
Wage not reported	7	..	5	..	..	..	..	..	..	..	2

^aExcluded from the table are twelve cases in which compensation was not granted on a weekly basis.

the existing wages, obviously very low. One girl who was employed by a shoe factory in a small Illinois town was paid compensation on the basis of her full wages, which were \$6.00 for a six-day, sixty-hour week (10 cents per hour). A waitress, who worked seven days and sixty-three hours a week for \$7.00 was also paid her full wage during the period she was unable to work. A bill messenger for a large public utility corporation, employed on a part time basis for \$4.50 per week, was granted compensation of 75 cents per day. A girl, who was employed in a candy factory, was awarded compensation by an arbitrator of \$5.00 per week for temporary partial disability.

CHAPTER IV

THE MINORS' ACCOUNTS OF THEIR INJURIES AND COMPENSATION

In addition to the information taken from the accident and compensation reports filed with the Industrial Commission by employers and insurance carriers, information was obtained in interviews with minors who lived in Cook County at the time of their injury in 1933. A systematic effort was made to interview 700 of these minors after their addresses had been copied from the reports to the Industrial Commission of their accidents. Whenever possible the injured minor or his parents, or both, were interviewed. Brothers, sisters, and other relatives were interrogated when neither the minor nor the parents could be located. Nearly all of the interviews were completed between July, 1935, and March, 1936.¹ In the interval of two or more years between the date of injury and the attempted interview, many had moved to other addresses in the city, to other cities, and to other states. Despite this fact, 530 schedules were obtained.

All of the interviewers were graduate students in the School of Social Service Administration of the University of Chicago, who either had social case work experience or were enrolled in case work training classes. All schedules were carefully checked for omissions and contradictions so it is believed the data obtained in these home interviews may be accepted as reliable.

Specific items on the interview schedule² included inquiries as to: (1) age, birth date, and birthplace, (2) nativity and parentage, (3) accident job history, (4) cause of injury, (5) nature and extent of injury and duration of disability, (6) minor's knowledge of rights, (7) medical care and costs, (8) work

¹The lapse of time between the date of the accident and the date of the interview was as follows: 18 months and less than 24 months in 162 cases; 24 months and less than 30 months in 277 cases; 3 months and less than 36 months in 86 cases; 36 months or more in four cases.

²See p.248 for schedule used.

history, (9) method recovery of compensation, (10) legal and other costs of collection of compensation, (11) how compensation was expended, (12) evaluations of and attitudes toward compensation procedures and related matters. In general, home interviews were sought to verify and to supplement information obtained from the Industrial Commission and to obtain information not ascertainable from its records for a large sample of the 1,233 minors who were injured in Illinois in 1933. In accomplishment the home interviews yielded facts which permit an empirical evaluation of certain of the administrative aspects of the Illinois compensation law. Much of the material defies statistical analysis so case stories are used extensively to portray significant findings.

Cook County Minors Interviewed

Of the total of 1,233 minors who were injured in Illinois in 1933, interviews were obtained for 530 minors who lived in Cook County--514 in Chicago--at the time of their injury. In 339 cases the injured minors were interviewed, the parents or a parent in 138 cases, a brother and sister or either in 39, other relatives (wife, aunts, and others) in nine, and friends closely associated with the minor in five cases. The effort to obtain interviews for 700 Cook County minors were thus 75.7 per cent successful.

Attempts to interview the other 170 injured minors failed because it was not possible to locate 155 minors or persons qualified to give information concerning their experiences; information was refused in 10 cases; and street addresses for 5 Chicago minors were not available in the records of the Industrial Commission. As one of these five cases illustrates, the failure of the Accident Report Division to require that every accident report give the address of the injured person may result in injustice. The address of an eighteen year old girl, who was injured on August 12, 1933, was not given on the accident report filed with the Industrial Commission. According to information given the Commission by the insurance company in 1935, this girl failed to respond to its letter of January 1, 1935, requesting her to come for the compensation due her. In August, 1936, when the author looked for the accident report for this case in the files of the Industrial Commission, it could not be found.

Of these 530 minors, 485 were white and native born, 15 were American born Negroes, and 30 were foreign born. Of the 485 native born white minors, 298, or 61.4 per cent, were of foreign parentage, 50, or 10.3 per cent, were of mixed parentage, and 135, or 27.8 per cent, were of native parentage. When these findings are compared with the 1930 Census figures¹ showing distribution by parentage in Chicago's total population,² it appears that a disproportionate number of the injured minors were of foreign parentage. Thus, while in 1930, 44.2 per cent of the general population of Chicago was of foreign parentage, 61.4 per cent of the minors injured in 1933 were of foreign parentage.³ This difference may indicate either that "first generation" children were entering employment in 1933 in relatively larger numbers than children of native born parents, or that they were being forced into the more hazardous types of jobs then available for young persons. It is probable that both were occurring.

Out of the total of 530 minors interviewed, 350, or 66.0 per cent, were boys and 180, or 34.0 per cent, were girls.⁴ An examination of the Census reveals that of the persons of Chicago between the ages of ten and nineteen years, inclusive, gainfully employed in 1930, 49.9 per cent were boys and 50.1 per cent were girls.⁵ If it be assumed that the sex proportions of those of

¹The weaknesses of a comparison of 1930 general population figures with 1933 accident statistics are realized, but it is thought that any correction would tend to show, if anything, a very substantial increase in the number of children of native parentage. This assumption is based upon the belief that the restrictive immigration policies of the United States will slowly decrease the proportionate number of foreign born adults of child bearing age in the population.

²Census figures for Chicago are used because those wanted were not available for Cook County. However, as 514 of the 530 minors lived in Chicago at the time of injury, it does not seem inappropriate to use Chicago figures.

³U. S. Bureau of the Census, Fifteenth Census of the U.S., 1930, Population: Composition and Characteristics of the Population, Vol. III, Part I (Washington: Government Printing Office, 1932), p. 628.

The composition of the population of Chicago in 1930 was as follows: native white, 67.4 per cent (native parentage, 41.5 per cent; foreign parentage, 44.2 per cent; mixed parentage, 14.3 per cent); foreign born white, 24.9 per cent; and Negro, 6.9 per cent.

⁴Of the 754 injured minors of Cook County, 67.2 per cent were boys and 32.8 per cent were girls.

⁵U. S. Bureau of the Census, Fifteenth Census of the U.S.,

the ages 10-19 gainfully employed were about the same in 1933 as in 1930 and if it be further assumed that the omission of those twenty years of age in the Census figures is not significant, it would appear as though a disproportionate number of boys were injured. This is to be expected because they are employed, as a rule in more hazardous occupations than girls.

Ages Reported by Employers and by Minors

Earlier investigations in Illinois, as well as studies in Wisconsin and Indiana, have revealed that the ages of injured children and young people reported by employers or insurance carriers are usually unreliable, the usual practice being for employers or insurers to report ages higher than they actually were. For example, during 1928-1929 verification of ages by the Illinois Bureau of Labor Statistics showed that of 77 children illegally employed, 47, or 61.0 per cent, of these were at first reported as over sixteen years, though later it was proved they were under sixteen years.¹ Quite similar was its report in 1930. "Of the 78 children injured in 1929-1930 while illegally employed, 50, or 64.1 per cent, were at first reported as over 16 years of age,"² while an analysis of accident reports of 1931 revealed that in 22.7 per cent of the cases the age was proven to have been incorrectly stated on the accident report and that 79.3 per cent of the incorrect reports stated the age as older than it was in fact.³ Likewise, the Children's Bureau's investigation covering illegally employed minors injured in Wisconsin from September 1, 1917, through December 31, 1928, and in Indiana between October 1, 1924, and March 31, 1929 revealed that: "In Wisconsin about two-thirds of the minors awarded extra compensation, and in Indiana a little more than three-fourths of those illegally employed whose ages were verified, were reported by their employers as older than they were."⁴

1930, Vol. IV, Population: Occupations by States (Washington: Government Printing Office, 1933), p. 440. Of the Chicago population in 1930 between the ages of 10 and 19, inclusive, 49.2 per cent were boys and 50.8 per cent were girls.

¹Illinois Department of Labor, The Labor Bulletin, December, 1929, p. 82.

²Ibid., December, 1930, p. 107. ³Ibid., April, 1932, p. 209.

⁴E. N. Matthews, The Illegally Employed Minor and the Workmen's Compensation Law, U. S. Children's Bureau, Pub. No. 214 (Washington: Government Printing Office, 1932), pp. 31, 32, 36.

Although the Division of Statistics and Research of the Department of Labor verified the ages of 61 of the 138 injured young persons who were reported by employers or insurers as under eighteen years of age in 1933, it neither published an analysis of its findings as it had done in 1932¹ and earlier years nor did it keep records on which such an analysis could be made in 1935. The dismissal of persons in charge of this work early in 1933² and the discontinuance of the functions related to accidents to minors previously performed by them explains the non-availability of these records. As forms requesting evidence of age were mailed by the Division of Statistics and Research notations to that effect were entered on the accident reports in some cases and when ages were verified in these cases either notations to that effect were made on the accident reports or memoranda were attached to the latter. In the course of its attempts to verify ages the Division of Statistics and Research verified the ages of only 7 of the 21 children who were reported by employers or insurers as under sixteen years of age at the time of their accidents in 1933.

In view of the deficiencies just described, due in a large measure to the fact that the Division of Statistics and Research continued its service for the Industrial Commission during only a part of 1933, and because of the importance of a correct knowledge of the age of injured minors, an investigation was made in 1936 of ages of the Cook County minors injured in 1933. Evidence of age was not especially difficult to find. Prior to 1916, births for the whole of Cook County were recorded at the office of the Cook County Clerk. For 1916 and subsequent years, Chicago births are recorded at the Chicago Board of Health; births occurring outside of Chicago continued to be recorded by the Cook County Clerk's office as before 1916. A search was made for the birth registration of each minor; the tomes, containing the registrations, were first examined for the reported year of birth and when a registra-

¹Publication of The Labor Bulletin by the Illinois Department of Labor was discontinued in January, 1933, which discontinuance signalled in effect the cessation of the publication in Illinois of accident statistics on minors. No accident statistics of any kind were published in Illinois between that date and December 27, 1935, when a mimeographed report on The Cost of Industrial Accidents in Illinois for the year 1932 was released. It and similar releases for 1933, 1934, 1935 give only incidental consideration to minors.

²See discussion on pp. 4, 45 ff.

tion was not found under that year, two years on each side of the reported year of birth were also examined. Unfortunately, the demand for evidence of age on the part of applicants for old age pensions, together with the limited space available at the Cook County Clerk's office, necessitated abandonment of the check on age before the five year search was completed. The ages of all minors not found at the Cook County Clerk's office were checked by the Chicago Board of Health in its files whether the reported year of birth was before or after 1916. In the course of this interrupted search birth records were found for 122 injured minors, either at the office of the Cook County Clerk or of the Chicago Board of Health. Three of these were under sixteen years of age and 25, under eighteen at the time of injury.

The verification of the ages of these 122 Cook County minors, who had been interviewed in the course of this study in 1935, afforded an index of the reliability of the ages reported by them or their parents to the interviewers. It was found that the ages as established by the birth records corresponded with the interview age in 113, or 92.6 per cent, of the 122 cases. Only two of the interviewed minors were revealed to have been older than they reported when interviewed, while seven were younger.

A comparison of the ages obtained through interviews with 530 Cook County minors in the course of this study with the ages reported by employers or insurance carriers to the Industrial Commission reveals marked variations. The ages from both sources were the same for 308, or 58.1 per cent, of the 530 interviewed. The ages found through interviews were lower than the reported ages for 163, or 30.8 per cent, of those interviewed and were higher than the reported ages for 59, or 11.1 per cent.

In view of the fact that the provisions of the Illinois Child Labor Law affect only minors under sixteen years of age, one might expect to find that many ages were reported by employers as sixteen, or over, which were actually under sixteen. However, although there were such instances, variations between the reported ages and the actual ages were proportionately more pronounced in the over sixteen year age group than in the under sixteen year age group.¹ In fact the greatest difference was noticeable in the group eighteen years and over. Thus, whereas, the ages of

¹This probably is a reflection of certification for employment in the under 16 group.

the under eighteen group obtained through interviews and Industrial Commission records were the same in 84.9 per cent of the cases, the ages of the over eighteen group were the same in only 53.8 per cent of the cases. Of 16 who were under sixteen years of age, the interview age and the reported ages differed in only three instances and in one of these the boy declared in the interview that he was over sixteen at the time of his injury.

An analysis of the direction of the corrected ages of all minors shows a decided revision downward. However, this negative regression is especially observable with the group of minors reported by employers as eighteen years or older. Thus, of the 211 cases in which the age reported by the employer was unlike that learned in the interview, 156, or 74 per cent, were younger according to the statement secured in the home interview. Table 26 shows that 65 minors reported by employers as twenty years of age were less than twenty; 53 minors reported as nineteen years of age were less than nineteen; and 38 minors reported as eighteen years of age were found to be less than eighteen. Thus the number of minors under eighteen years of age, as well as the number of minors under sixteen years of age, was considerably larger than was reported to the Industrial Commission. While only 73 of the 530 minors interviewed were under eighteen years of age according to the Industrial Commission record, 128 of the 530 were found by investigation to be under eighteen years of age. If the proportion of down-state errors for 1,233 minors were the same as for these 530 minors, the Industrial Commission record would show 296 instead of 138 minors injured in 1933 who were under eighteen years of age.

A hypothetical distribution of the ages of the 1,233 Illinois minors computed upon the basis of the distribution of the corrected ages of the 530 Cook County minors, is given in Table 27. This shows a total of 42 instead of the 21 minors under sixteen years of age reported to the Industrial Commission and 296 instead of the 138 minors under eighteen years of age reported to the Commission.

While this is only an estimate for the state of Illinois, if it approximates the facts, the conclusion follows that during 1933, when 1,233 minors were injured in industry in Illinois, the Industrial Commission did not have a correct account of their ages in more than 60 per cent of the cases, nor after 1933 did it learn

TABLE 26

MINORS INJURED IN WORK ACCIDENTS IN ILLINOIS IN 1933,
CLASSIFIED ACCORDING TO AGE REPORTED IN RECORDS OF
THE INDUSTRIAL COMMISSION AND AGE AS STATED IN
INTERVIEWS OR AS SUBSEQUENTLY VERIFIED

Age as Reported to the Industrial Commission	Injured Minors Interviewed									
	Total	Age in Years According to Statement of Minor or as Subsequently Verified								
		Under 14	14	15	16	17	18	19	20	21 or over
Total	530	5	6	8	33	76	128	150	100	24
Under 14 years..	4	4	..	..	..	..	..	..	..	..
14 years.....	6	1	5	..	..	..	..	..	..	..
15 years.....	6	..	1	4	1	..	..	..	..	..
16 years.....	19	..	..	1	17	1	..	..	..	..
17 years.....	38	..	..	..	4	32	2	..	..	..
18 years.....	125	..	..	2	6	30	64	18	3	2
19 years.....	163	..	..	1	4	6	42	95	10	5
20 years.....	169	..	..	..	1	7	20	37	87	17

TABLE 27
 REPORTED AND ESTIMATED AGES OF MINORS INJURED
 IN WORK ACCIDENTS IN ILLINOIS IN
 1933, BY AGES IN YEARS

Age	Number of Injured Minors under 18 Years of Age	
	Of Reported Age ^a	Of Computed Age ^b
Total....	138	296
Under 14 years	6	12
14 years.....	8	14
15 years.....	7	16
16 years.....	41	76
17 years.....	76	178

^aNumber reported by employers to the Industrial Commission at specified ages.

^bNumber computed on the basis of the percentage distribution of the ages of 530 Cook County minors, whose ages were learned in interviews and from birth records.

the correct ages of the injured minors.

The accuracy of the reports of the Industrial Commission, when based upon the age reported by employers must be questioned. Permanent injuries to unknown numbers of young persons and the need for the extension of protective legislation to all minors cannot be determined by inaccurate statistics. The economic and social costs to these young people and to the community makes accurate reporting and the checking by the Commission of all these ages imperative.

The Minors' Knowledge of Their Legal Rights

When the minors were interviewed, questions were asked as to their understanding of their rights at the time of injury and how and when, if ever, they were made aware of them. Several seemed to know nothing of the whys and wherefores of compensation even though they had received compensation in some form. Table 28 shows that 226 (42.6 per cent) of the 530 minors reported having some knowledge of compensation at the time of injury. The extent of their knowledge, of course, could not be ascertained with accuracy but from the schedules obtained, it is quite evident that there were wide variations among the minors. Only the minors who reported complete ignorance of their compensation rights at the time of their injury were tabulated in that category. Even so, 274, or 51.7 per cent, of the 530 minors reported, as Table 28 shows, had no knowledge of their rights. Of the 226 who reported a knowledge of their rights, only 77 (34 per cent of 226) learned them through the employers or insurers.

For a knowledge of their legal rights under the compensation law injured young persons as well as older employees depend largely upon information given them by employers acting in response to statutory duties or at the behest or stimulation of the Industrial Commission, or disseminated through the direct efforts of the latter. Evidence is lacking, however, to show that either employers or the Industrial Commission did anything to educate employees concerning their compensation rights prior to 1933. Employers were, in 1933, required by statute to post printed notices in their places of employment containing information relative to the Workmen's Compensation Act. The Industrial Commission was given by this law decision as to what may be necessary to aid employees to safeguard their rights in the event of in-

TABLE 28

SOURCES OF INTERVIEWED MINORS' KNOWLEDGE OF
THEIR LEGAL RIGHTS UNDER THE ILLINOIS
WORKMEN'S COMPENSATION ACT

Sources of Minors' Knowledge of Their Legal Rights	Number of Minors
All interviewed minors.....	530
Minors reporting knowledge of their rights...	226
Employer, company doctor, insurance agent..	77
Fellow employees.....	33
Relatives.....	27
Friends.....	17
Previous accident to minor.....	9
School.....	8
Source not reported.....	55
Minors reporting no knowledge of rights.....	274
Not reported.....	30

jury.¹ As a result of this amendment, the Commission prepared a placard which it requires employers to post. A companion amendment to the Workmen's Compensation Act required the Industrial Commission to publish as of July 1, 1934, the administrative rule and orders which it had issued and which for practical purposes were effective in 1933 or prior to that date.² Beyond these efforts the Illinois Industrial Commission did not have in 1933 a program for employee-education as to the benefits under the Workmen's Compensation Act. However, in the autumn of 1937, the Chairman of the Industrial Commission gave a series of weekly talks over radio station "WCFL" concerning the Occupational Diseases Act which went into effect on October 1, 1936.

Activities of an educational nature have been carried on by certain labor unions in Illinois,³ but these are not enough because not all workmen, especially the unskilled, are members of unions and minors are as a rule ineligible for membership. Moreover, such indirect devices as placards seem woefully inadequate. Instead a vigorous program of interpretation and of direct education through letters, pamphlets, and addresses seems necessary if the desirable objectives are to be achieved. A principle underlying any such program would be that it is desirable to inform the workers and especially those under twenty-one years of age concerning their rights and duties in connection with workmen's compensation rather than to keep such knowledge as the prized possession of lawyers to be given out for high fees. The program would aim to make lawyers decreasingly essential by making injured employees better informed of their rights. Justice would be more equal, the expense to all concerned including expense of adjudication would be reduced, the essential purpose of the workmen's compensation law in contrast with employer's liability laws

¹Illinois Session Laws, 1933, p. 596 (approved July 8, 1933).

²Illinois Session Laws, 1933, p. 575 (approved July 8, 1933).

³An advertisement appearing in The Federation News (official publication of the Chicago Federation of Labor) in 1936 and 1937 announced that free advice on Workmen's Compensation was available to its readers. Mr. Charles F. Wills, Business Manager of The Federation News and former member of the Industrial Commission was announced as the available advisor. Inquiry revealed that when Mr. Wills was unable to assist inquiring persons to effect a satisfactory compensation settlement he recommended lawyers whom he thought were reliable.

would be better approximated. These objectives would be achieved if injured employees in Illinois were aware of their rights and knew that the Industrial Commission was prepared to assist them as the Wisconsin Commission does injured workmen in that state.

Upon receipt of an employer's report of an accident, the Wisconsin Industrial Commission sends routinely a full page form letter to each injured person. This letter clearly and concisely explains the rights and the duties of the injured person under the Wisconsin workmen's compensation law and invites him to seek the assistance of the Industrial Commission in regard to compensation. If a comparable procedure had been administered in Illinois in 1933, many minors injured there in that year might have had more favorable experiences than they did.

As the interview accounts with young persons injured in Cook County in 1933 show, a considerable number failed to get either money benefits or medical care in accordance with the provisions of the Workmen's Compensation Act, partly because of their own and their parents' ignorance of their legal rights. The failure of a downstate shoe factory employee, who was not interviewed, to receive compensation for disfigurement seems to have been due to ignorance of her rights. According to the employer's report of the accident to the Industrial Commission, this girl's hair was pulled from her scalp when it was caught in revolving machinery. For this injury she was paid \$3.21 compensation for temporary total disability but nothing for disfigurement, while two Chicago girls who were reported to have suffered similar injuries were paid for disfigurement. The Chicago girls engaged attorneys to bring their claims before the Industrial Commission and collected sizeable sums. In this connection Walter F. Dodd's statement concerning coal miners in Illinois is interesting.

In contrast to the workers in Chicago and other urban centers of the state, the miners are well acquainted with their rights under the compensation act and with the procedure to secure these rights. In most of the miners' cases which are likely to involve permanent disabilities or disfigurements an application for adjustment of the claim is filed as a routine matter by the union attorney in the locality.¹

Procedure of this type is unlike the claims procedure which prevails generally in Illinois. Usually the employer or insurer decide compensation in "likely disfigurements," because the injured

¹Walter F. Dodd, Administration of Workmen's Compensation (New York: The Commonwealth Fund, 1936), p. 280.

do not know their rights and the Commission does not take the initiative in informing them of the law as it applies to the case. While it should become decreasingly necessary for an injured employee to have a lawyer, a position comparable to that enjoyed by the miners in Illinois should be available for all injured persons in the state. Of course, it is at once apparent that much more than a knowledge of rights constitutes their position.

The following story illustrates a type of situation in which the Industrial Commission through the dissemination of information acquainting injured persons with their rights and the services of the Commission might be very helpful.

Neither an 11 year old newsboy nor his parents, who are Italian immigrants living in an industrial suburb of Chicago, knew anything about workmen's compensation until friends told them they could sue for damages. When the cornea of this boy's right eye was lacerated by wire with which a bundle of newspapers was tied, he was taken by a friend to the Cook County hospital for treatment.¹ Eleven months after his accident the eye clinic of this hospital found that the sight of the injured eye was almost completely lost. An attorney engaged by the parents advised them to settle for \$100.00 and to waive all further claim. Because he seemed to get the offer raised to \$500.00, when they threatened to change lawyers, the parents suspected their attorney of collusion with the insurance company's lawyers. Late in 1934 the Industrial Commission approved a lump sum petition for \$500.00, which is \$400.00 less than the minimum compensation of \$900.00 payable under the Illinois Workmen's Compensation Act for the loss of or loss of the use of an eye. No provision was made in this compromise settlement for past, present, or future medical care.

Three years after the accident, the boy was only in the fifth grade of school and his parents were not aware of vocational or rehabilitative training services.

Hazardous Conditions of Employment

The importance of accident prevention is painfully illustrated by the following accounts of "preventable" accidents occurring to young persons in Illinois in 1933. These stories reveal types of conditions, quite remediable in themselves, but which when left uncorrected increase the hazard of employment and frequently result in disfigured and maimed bodies.

Lack of occupational training.--When the accident occurred on the first day, or days, of a specific occupation or assignment, or the young person was not engaged in the regular duties of his

¹See discussion as to his treatment at Cook County hospital on p. 172.

occupation at the time of injury, the lack of occupational training was very often the cause of the accident. Some examples follow.

Three fingers of a boy were caught in a punch press on the third day after he began operating it. As a result he suffered what was considered a 50 per cent loss of two fingers.

A 17 year old helper in a crate factory was asked by the operator of a sawing machine to clean it. He was entirely unfamiliar with its operation and as a result suffered traumatic amputations of the thumb and index finger up to the first joint.

The right hand of a job helper in a printing company was crushed between the rollers of an electrically driven folding machine, which he was told to clean.

A trucker and packer in a meat packing company was put to work on a tin cutting machine during a rush period. On the second day of this assignment, he suffered the traumatic amputation of parts of two fingers.

An 18 year old girl was assigned to a moulding machine operated by electric power on the first day of her employment with a confectionery factory. She had had no experience with this type of work. At eleven o'clock in the morning on this first day at work, she caught the fingers of her right hand in the machine, cutting the second, third, and little fingers. According to the girl the accident occurred because the machine was not in good condition, as well as due to her inexperience.

Faulty or unguarded machinery.--The minor's statement as to faulty or unguarded machinery is the basis of conclusions as to this hazard. It is realized that investigation at the time of occurrence of an accident is necessary to determine accurately the condition of the machinery. More important, such investigation would give a basis for correction and future prevention.

A 17 year old girl crushed her right index finger, which injury resulted in the 50 per cent loss of its use, when the punch press she was operating "missed a turn."

Because the guard of an electrically operated meat grinder was not in use and his hand was accidentally pushed into the grinder by the store manager, a young butcher injured one finger slightly and traumatically amputated the distal phalanx of another.

After another young worker had had his index finger cut off by an unguarded punch press, a guard was put on the machine. This neglect not only caused suffering to this boy, but cost his employer \$269.71 compensation.

The finger of a punch press operator was caught in the shears of the machine when it "double-clutched." The injury sustained resulted in a 10 per cent loss of use of the finger.

A minor suffered the traumatic amputation of the distal phalanx of the left index finger, when the finger was caught

in an unguarded cheese grinding machine. According to the injured boy the employer refused to permit the use of a mechanical device which would have prevented the accident.

An unguarded eyelet machine was responsible for the permanent injury of two fingers of a 16 year old girl, who had been working on this machine only one week when the accident occurred. Before her fingers could be released from the machine, the electric power for the whole floor on which she worked had to be turned off. This girl stated, when interviewed, that her employer would not permit state inspectors on the floor on which she worked.

Machine guards removed.--Occasionally an ambitious worker employed on a piece work basis jeopardizes his own safety, in order to increase his earnings, by removing the guards from hazardous machinery. Only one such case came to the attention of the interviewers in this study. This was a twenty year old young man, who had been employed for two months as a press helper for a firm of paper jobbers and converters. While he was throwing a "dog" off gear on the machine, his fingers were caught in the gears with a resulting fracture of the right middle finger and a ragged laceration of the right ring finger. The machine had a guard which was supposed to be in use. The employees, however, were not in the habit of using the guard because it slowed up the work and since they were on a piece work basis cut down their earnings.

How the Compensation was Expended

More than likely Commissioner Anton Johannsen of the Illinois Industrial Commission would not contend that his justification of lump sum payments applies to minors.¹ More convincing than theories, even those of men with long experience in the administration of compensation, concerning the merits and demerits of lump sums, are the accounts of what has happened in individual cases when this form of payment has been approved. Partly in an effort to answer the question as to the advisability of lump sum payments to minors, when no administrative supervision of expenditure is provided, Cook County minors were queried about the expenditure of the compensation received.

The National Child Labor Committee, in a study of acci-

¹As expressed at the 1935 Convention of the International Association of Industrial Accidents Boards and Commissions (see, U. S. Department of Labor, Division of Labor Standards, Bulletin No. 4, Discussion of Industrial Accidents and Diseases, pp. 162-63; also, see p. 181 of this study).

dents occurring to 167 minors in Illinois, Wisconsin, and Tennessee during the period 1926-1929 found that:

. . . . compensation money in the large majority of cases is neither used for the child's education or immediate benefit nor is it invested in his future. It is usually frittered away by the child and his family, often foolishly, and in some cases the existence of this temporary source of income blinds both the child and his parents to the need for vocational rehabilitation,¹ the paramount need for a child with an occupational handicap.

Information obtained in 479 of the 530 interviews as to the use of compensation money tends, in general, to support the above conclusions for both young people and children although the economic conditions of 1933 may have resulted in a more prudent expenditure for necessities than in 1926-1929.

So for the children and young people included in this study the compensation of 253, 53 per cent of those who were able to give an account of expenditure, was used for current family expenditures; most frequently, for example, for maintenance and clothing. It should be remembered that unemployment sat by the fireside in the homes of many injured minors at the time of their accidents. Often their wages were the sole family income, due to the unemployment of other wage earners in the family and in a number of instances the families of these young people were obliged to apply for relief following these accidents. Conditions of economic stress may explain, but hardly can be said to justify, the expenditure of all of the money paid these young workers in compensation for accidents. However, 210, or 43.8 per cent of the injured minors did spend their compensation to meet their own needs and desires. Of this number, only 7 spent their compensation for education and training. Nineteen invested it in one way or the other--usually government bonds or postal savings and none of these 19 reported losses due to investments. The remaining 184 minors expended their compensation money to satisfy immediate needs and desires.

Sixteen injured young people reported that almost their entire compensation was used in connection with expenses due to the accident, for example, for medical bills and carfare to physicians' offices.

Sometimes the compensation was small considering the in-

¹C. E. Gibbons and C. T. Sansbury, When Children are Injured in Industry (New York: National Child Labor Com., 1933), p.26.

jury but a considerable sum for these young people. Thus, 17 of the 530 minors, or their beneficiaries, received \$500.00 or more. When interviewed about two years after the accident occurred, only 3 reported that they still had any of the compensation money left. The accounts which follow illustrate how in a number of cases the money was expended. The first group includes those paid \$500.00 or more in lump sum settlements--the reason given for desiring a lump sum having been "the payment of debts."

Of an \$850.00 lump sum payment made to an 18 year old boy, \$250.00 was invested in the father's business which failed. The rest went for family expenses, since none of the seven members of his family were employed.

One 18 year old boy who was paid \$1,500.00 in a lump sum reported that he had the largest part of it in a savings bank. He plans to buy a meat market with it. It is interesting to note in this connection that the reason he gave for filing a lump sum petition was "the payment of debts."

In another case attorney fees took \$500.00 of a \$1,742.78 lump sum settlement, the insurance company kept \$542.78 for medical costs, while the boy himself got \$700.00. Of the amount he received, the boy paid \$159.00 for hospital and doctor bills and used the balance to pay room and board during his 29 months of incapacity.

After a settlement contract and lump sum payment of \$712.50 one boy required further hospital care for which he paid \$400.00. Attorney fees of \$150.00 and personal living expenses consumed the balance of his compensation.

As the following stories show, two surviving families rather quickly expended large sums of compensation awarded them for fatal accidents suffered by their boys, thirteen and sixteen years of age respectively. Each of these families applied for public assistance after they had exhausted the compensation money.

A lump sum of \$900.00 was paid to the mother of a 13 year old boy who was fatally injured. The money was spent for funeral expenses, \$270.26, the wedding of a sister and for living expenses. The family was dependent upon public relief when the money was received and were again dependent upon relief when seen in December, 1935.

In less than one year after a \$2,500.00 lump sum settlement had been made, the family of a 16 year boy, who was killed in an automobile accident, applied for assistance from a public relief agency. The interviewer was told that the bulk of the money was spent for maintenance, but that \$220.00 was spent for drugs to prevent a brother from losing his hair. It is perhaps unnecessary to add that despite the expenditure he is still very bald.

These stories illustrate at least two things: (1) the need for the appointment of a guardian or effective supervision by the Industrial Commission of expenditure in cases involving large

amounts of compensation; (2) the best interests of minors, or their beneficiaries, are not served by lump sum settlements which allege "payment of debts" as the reason for desiring such payments. Conceivably lump sum awards, even to minors, may work for their best interests if expenditure of the money is properly supervised. They are reported to work satisfactorily in New York and in Wisconsin, but in both these states there is supervision of expenditure by the compensation commissions. The following story, based upon correspondence in the files of the Wisconsin Industrial Commission which was examined by the U. S. Children's Bureau's investigators in connection with its study of industrial accidents to minors in that state, illustrates the careful supervision exercised by the Wisconsin Commission over the payment of compensation to injured young workers.

A boy of 16 lost an eye through an industrial accident. This was in 1918, but as the claim for extra compensation was not settled for five years, the boy had passed his twenty-first birthday when the award was made. Although he had reached his majority, the commission ordered the employer--on the ground that it was "to the best interest of the parties" involved to do so--to pay the total amount of increased compensation (\$3,347.54) to a bank to hold for the injured minor "until such time as the commission may otherwise order." About four months later the injured person asked for \$500 to start an ice-cream business. His request was not granted. Three months later he wanted \$3,000 to enable him to go into a second-hand automobile business. The commission believed that the business relations involved in this undertaking were too indefinite to warrant their approving it. Two months later, however, he was allowed \$300 to buy accessories to repair automobiles, and a little more than a year after that he was allowed \$500 to go into a garage business with his brother. Nothing further is recorded for more than three years when he was allowed \$197 to pay a board bill and buy some clothes, indicating that his business ventures had not been successful. At the time of the entry with reference to this payment, which was the last recorded at the time the record was read, the injured party was 27 years of age, and \$2,350.54 of his principal remained in the bank.¹

Neither the minors, nor their families, are to be condemned for spending compensation as they do. Many of them are unaccustomed to handling large sums of money, or to having sums of money on hand, and when they receive compensation in lump sums, they are very apt to spend it for the satisfaction of immediate needs and desires. Appointment of a guardian to supervise the expenditure

¹E. N. Matthews, The Illegally Employed Minor and the Workmen's Compensation Law, U. S. Children's Bureau Pub. No. 214 (Washington: Government Printing Office, 1932), p. 78.

and arrange for vocational education or retraining when necessary, would be a distinct service to the minors, to their families, and to the community.¹ If the guardian has skill in dealing with people, there should be very little, if any, resentment on the part of the injured minors and he should be able to reduce the danger of so-called compensation neurosis. With regard to the latter, it would seem that well administered supervisory services would not only check any emotional disorganization, but be therapeutic if it appears. In fact constructive guidance for injured minors may well be considered as a part of society's obligation to these young victims of industrial accidents.

The Illinois compensation law does not specifically provide guardianship for minors,² although it does provide in sections 8 and 9 for the appointment of guardians in cases of mental incompetency and in cases of complete disability. However, in the opinion of T. C. Angerstein, minors who are sound in sense and mind are not covered by these sections.³ Since the general use of the term "mental incompetent" is applied to lunatics, idiots, and insane persons, states Mr. Angerstein, minors cannot be designated as "mental incompetents" unless their condition, other than age, classifies them in one or the other of the categories aforementioned.⁴ Neither does the Act provide in any form whatsoever for the control or supervision by the Industrial Commission of compensation awards made to minors. In the Illinois Zinc Co. v. The Industrial Commission, the court pointed out that "if compensation, or any part thereof should be paid in a lump sum, neither the Industrial Commission nor the courts could pro-

¹The White House Conference recommended that where compensation awarded to minors is large it should be placed in trust and that "only such portions of the compensation awards should be paid during the injured worker's minority as are necessary for support or to provide desirable training." (See White House Conference on Child Health and Protection, Child Labor (New York: The Century Co., 1932), pp. 320-31.)

²Under common law rules minors are considered mentally incompetent, but the Illinois Workmen's Compensation Act gives them the same contractual powers that it accords to adults.

³T. C. Angerstein, The Employer and the Workmen's Compensation Act of Illinois (Chicago: Hawkins and Loomis Co., 1930), pp. 929-30.

⁴See discussion on page 18 regarding the Illinois Supreme Court's opinion (Walgreen Co. v. Industrial Commission, 323 Ill. 194), in 1926, that a minor was incompetent in the meaning of sections 8 and 9.

tect the fund" under the existing statute.¹ In this decision the court concluded that in the absence of such power, the best interests of injured employees would be served "by the payment of compensation in regular fixed installments as wages are paid," rather than by the payment of compensation in lump sums.

The best interests of injured minors would be served if this problem were not solved as the court suggests. The enactment of legislation giving the Industrial Commission, as in Wisconsin, the power to appoint guardians or administrators for injured minors and to control and to supervise expenditure of their compensation money is greatly needed in Illinois. It is realized that there may be apprehension about increasing the powers of the Illinois Industrial Commission until it is freed from political control and attains a reputation for responsible and thorough administration as has the Wisconsin Commission. The answer to such anxiety is that desirable double-barrelled improvements may be sought in Illinois at one and the same time--(1) securing for the Industrial Commission additional powers needed for protection of the injured; (2) improving and strengthening the administrative organization and procedures entrusted to the Industrial Commission.

A program of education may be necessary to convince the Industrial Commission and other interested parties of the duty which A. J. Altmeyer recognized when he wrote: "the commission (Wisconsin) is obliged to assume responsibility for the economic rehabilitation of the injured employee and his dependents."²

The New York State Industrial Commission has recognized this responsibility for a number of years. Under an agreement between the Commission and the Rehabilitation Division of the State Education Department, whenever the compensation payment is \$250.00 or more, the Rehabilitation Division makes investigations, reports, and recommendations on all requests for lump sum settlements of scheduled awards.³ The Division enters into voluntary

¹355 Ill. 253 (1934).

²A. J. Altmeyer, The Industrial Commission of Wisconsin (University of Wisconsin studies in the Social Sciences and History, No. 17 (Madison: University of Wisconsin, 1932)), p.68. In addition to the discussion of how Wisconsin discharges compensation funds, given by Mr. Altmeyer in his book, detailed descriptions are given in E. N. Matthews, The Illegally Employed Minor and the Workmen's Compensation, especially pp. 46-49, 76-79.

³R. M. Little, "Lump Sums in Compensation Administration," Discussion of Industrial Accidents and Diseases, U. S. Department

agreements with injured persons having to do with the conservation of compensation funds and otherwise acts in an advisory capacity, but has no compulsory powers.

Wisconsin and the New York offer valuable experience upon which Illinois may base statutory and administrative provisions. The Wisconsin provision which gives the Industrial Commission enforceable powers seems more desirable, because it enables the Commission to bring into line with what experienced administrators know is best for the injured young persons any ill-advised minors who refuse to cooperate voluntarily.

The mere provision for guardianship through court decree is insufficient. While this is the long established method in dealing with minors, experience shows that after the appointment of a guardian the court exercises no supervision unless evidence of neglect is brought to its attention. It does not appreciate the need or resources for education or retraining and does not appoint a guardian with this end in view. The need for the supplementation of the fact of guardianship with administrative supervision seems well illustrated by the following accounts:

A 17 year old helper on a newspaper truck received \$725.00 of a total compensation of \$1,043.30 paid to him for disabilities resulting from the accident. Of the \$725.00, \$315.80 was used to pay for 28 days hospital and medical care and \$102.50, to pay legal expenses. The father was appointed guardian by the Probate Court at the request of the newspaper publisher. The family was receiving relief at the time and reported that they were compelled by the relief agency to spend all of the compensation received for the necessities of life. The father said he had had a great deal of difficulty because he had not spent the money exactly as the relief agency desired. He used it to pay rent at a time when the relief agency was not paying rent and to buy much needed clothes at a time when the relief agency was making no or a very small allotment for clothing.

The father of a 17 year old messenger boy was appointed guardian at the request of the telegraph company, when \$500.00 was paid in a lump sum. The lawyer's fee of \$125.00 came out of the \$500.00. Guardianship availed little, however, in this case, for \$130.00 was lost in bets on horse races. Family and personal expenses quickly used up the remainder.

Illustrative of more prudent use of compensation after large sums had been paid to attorneys are the following cases:

of Labor, Division of Labor Standards, Bulletin No. 4 (Washington: Government Printing Office, 1936), pp. 152-57; also, Carl Norcross, Vocational Rehabilitation and Workmen's Compensation (New York: Rehabilitation Clinic, 1936), Introduction (by R. M. Little), pp. i-xv.

A 17 year old minor received \$911.78 in a lump sum payment for the loss of use of the left eye. He paid \$118.60 of it for hospital and doctor bills and \$136.77 as attorney fees. The balance was used to pay for one semester's tuition at a university, for general expenses, for the purchase of government bonds, and some was deposited in a savings account.

A girl, age 19 years, received \$1,000.00 in a lump sum. She used \$135.00 for personal expenses, paid \$110.00 attorney's fees, and put the rest in postal savings. She was married when interviewed two years after the accident.

A lump sum of \$1,500.00 was paid to a 19 year old girl. After paying \$480.00 for attorney fees, \$100.00 for medical fees, and \$100.00 to a friend who secured the lawyer, she used the balance to buy a lot from her father.

A 19 year old girl received \$750.00 in a lump sum. After paying \$175.00 for the lawyer's fees, she used most of the remainder to buy furniture and for the other expenses of marriage.

CHAPTER V

COMPENSATION: PROCEDURES AND RESULTS

Medical Care

Provisions of the law.--The Illinois Workmen's Compensation Act provides that the employer must furnish necessary medical, surgical, and hospital service to injured employees limited, however,

to that which is reasonably required to cure or relieve from the effects of the injury. The employee may elect to secure his own physician, surgeon and hospital services at his own expense. Any injury resulting in the amputation of an arm, hand, leg or foot, or the enucleation of any eye, or the loss of any of the natural teeth, the employer shall furnish an artificial of any such member lost in accidental injury arising out of and in the course of the employment, and shall also furnish the necessary braces in all proper and necessary cases¹

A majority of the 530 young people who were interviewed did not complain about the medical care provided by their employers, a few praised it, others were bitter on the subject, while still others reported being denied the services which the statute aims to guarantee them. Although the information obtained in these interviews reveals unsatisfactory conditions, an intensive investigation of the medical care given under the Workmen's Compensation Act in Illinois is greatly needed.

Of the 530 young workers interviewed, 14 reported that employers or insurers did not furnish or refused to provide medical care as required by the statute. Seven of these 14 were treated at public expense in the Cook County hospital and one² was hospitalized for surgical care in a private hospital at the expense of a public relief agency. Several minors who were treated

¹Illinois Workmen's Compensation Act, sec. 8(a).

²This minor, who was injured in a fall while in the employ of a national "5 and 10" store, did not work following the accident, but did apply for relief at a public agency for himself, his wife, and a child. After his release from the hospital, he received \$425.00 compensation in a lump sum, following arbitration proceedings, about which the relief agency was not informed.

in the Cook County hospital had also incurred expense for treatment in private hospitals or by private physicians. Others went directly to private physicians, apparently not by choice but because of necessity. Medical care offered by the employer was refused by four minors. Two of these were Christian Scientists and two others preferred to choose their own physicians, although this was done at their own expense.

Of these 530 minors, 249 reported that there was considerable expense incident to their injury, in addition to lawyer fees incurred by those who engaged lawyers, which they had to meet. Sixty-seven had to pay part or all of the costs of medical care. Carfare to doctor's offices was paid by them in all but three cases. In many instances the carfare and other transportation costs were an important item. One boy, for example, had to have automobile transportation to and from the physician's office at a cost to himself of \$1.00 for the round trip. Others had to bear the expense of replacing clothing, bicycles, and other things damaged in their accidents. The costs of such items mean a real hardship to low wage workers, especially when their normal income is cut in half during the period of their disability.

Reporting of medical findings.--Home interviews revealed that the accident and supplementary reports of employers or their insurers are inaccurate and misrepresentative in many instances, not only as to the ages of injured minors,¹ but also concerning the important items of the nature, extent, and duration of the injuries. Essentially these are medical items, the accurate reporting of which is of great importance because compensation depends upon the extent and the character of the injury.² Nevertheless, descriptions of the injuries of six minors were not reported at all to the Industrial Commission and were learned for the first time when these young persons were interviewed two or more years after their accidents.

The injury of one boy was reported as "rt. arm," although he actually sustained a broken right collar bone. He engaged a lawyer and received compensation for the 9 per cent loss of the

¹See discussion as to unreliability of employers' reports of ages, pp. 140-46.

²W. F. Dodd, Administration of Workmen's Compensation (New York: The Commonwealth Fund, 1936), p. 224.

use of his right arm. Another boy, the nature of whose injury was not reported,¹ related that he sustained a laceration near the left eye, a double fracture of the left wrist with a resulting one-third loss in movement and the fracture of three toes. He stated, when interviewed, that he was then unable to do heavy lifting as a result of his injuries. The accident report in the case of a girl describes the nature of her injury as "retarded motion, severe pain rt. arm." She told an interviewer that her right arm was broken and that she has "been bothered by it" ever since its injury. An employee of a manufacturer, whose nurse rather ambiguously reported the locations rather than the nature of injuries in a number of cases, related that her finger was crushed. No description of her injury had been reported. A boy, whose injury was reported as "foreign body rt. eye," stated that the eye ball was burnt as the result of an explosion.

Frequently the injuries are of a different nature and more severe than reported to the Industrial Commission. Some examples follow.

A 13 year old boy of Italian parents was reported to have sustained "an apparent bruise" on the right side of his head as a result of being struck by a golf ball while caddying. When interviewed two years after the accident, the child and his parents related that his skull was fractured and he was unconscious in a hospital for three days following the accident. A settlement for \$1,250.00 compensation in 1934 confirms the boy's story.

A newsboy, age 16 years, was reported as having bruised his left ankle. According to the boy, his ankle was broken and it still pains him sharply at times. He believes that his earning power has been slightly affected as a result of this injury.

"Traumatic injury left foot" was the report of an injury in which the young employee broke two toes.

When interviewed in the summer of 1935, a 20 year old boy was still unable to work as the result of an injury which was reported as bruises and contusions to his left leg. Quite different, however, is his account of the nature of his injury. A compound fracture of the left leg plus infection in the bruised parts, a stay of 26 weeks in a hospital, and inability to walk alone for nine months was the injured person's version of his disabilities. Although still incapacitated the minor related that for some reason unknown to himself his compensation payments stopped in December, 1934.

The reporting of a "deep cut left index finger" seems insufficient, when the blood poisoning and an infection of the bone

¹There is an account of the basis for compensation in the record, but none of the nature of the injury.

which followed the injury does not become a part of the record. In another case a "sprain to the right knee" was learned in the interview to have been a fracture of the knee cap. Bruises, according to the accident report in another case, were learned to have been three broken ribs. A reported bruised toe was a fractured toe, according to another young worker.

When reports of 470¹ interviews secured in the course of this study are compared with those filed with the Industrial Commission, discrepancies as to the duration of the period of temporary total disability were found to exist in 54.5 per cent of the cases. Of these 470 young persons, 214 reported that their disability was of the same duration as reported to the Industrial Commission by their employers of the insurance carriers; 48, reported shorter periods; and 208 reported longer ones. Of the latter group, 32 reported a period of incapacity thirty-six or more days longer than the report filed with the Commission indicated; 11, from fifteen to twenty-one days longer; 32, from eight to fourteen days longer; and 96, less than eight days longer.

The foregoing indicate the need for requiring by statute and administrative follow-up adequate reports from physicians. Such reports are especially necessary when compensation is to cease. At that time the physician should file with the settlement receipt a final statement of the nature, extent, and duration of the injury and disability. This report should give sufficient information to the Accident Report Division for its judgment of the adequacy of compensation in "routine-agreement" settlements.² Physicians' reports are at present required only in connection with eye injuries or settlement contract cases.³

Prognosis reports from physicians, for cases of incapacity of more than thirty days,⁴ might give the Accident Report Divi-

¹Although 530 interviews were secured, tabulation of the item under consideration was feasible in only 470 cases. In 50 cases the duration of temporary total disability was either not reported to the Industrial Commission or not learned in the interviews and in 10 cases there was no temporary total disability.

²See discussion as to procedure in "routine agreement" settlements on pp. 173-76.

³See discussion as to the nature and uses of settlement contracts on pp. 178-80.

⁴If a disability lasts longer than 30 days, compensation becomes payable for the first as well as all subsequent weeks.

sion assurance that compensation payments are being made or arranged for in accordance with the reported nature of the injury and the disability.

Probably hospital reports should be required in all cases requiring hospital care. Usually hospitals submit their records of a case only upon subpoena by the Industrial Commission in arbitration hearings, and their reports as a rule become a part of the Commission's record only when the stenographic report of the proceedings is transcribed. However, a typed transcription is usually made only when an appeal is taken from the arbitrators award and then at the expense of the party requesting such a report. Hospital records are given importance by section 16 of the Act which reads in part as follows:

The records kept by a hospital, certified to as true and correct by the superintendent or other officer in charge, showing the medical and surgical treatment given an injured employee in such hospital, shall be admissible without any further proof as evidence of the medical and surgical matters stated therein, but shall not be conclusive proof of such matters.

Reports from physicians or from hospitals, sufficient though they be in number or quality, will become meaningful and, therefore, helpful in administering workmen's compensation only if they are examined when submitted by persons qualified to interpret them.

Reports from physicians or other reports bearing the name of a physician should include the full name of the physician and his office address. Rarely, if ever, was such identification given in the reports of accidents to minors in 1933. If the medical division of the Industrial Commission were given responsibility for: (1) establishing and enforcing standards for medical care of persons injured in industry; (2) maintaining a register of all physicians qualified and certified to practice in compensation cases; (3) investigation of complaints by injured employees; (4) compilation and publication of data concerning the costs of medical care in compensation cases in Illinois,¹ such identification of physicians could be of greater importance.

¹There is an item on the final settlement receipt regarding costs of medical care furnished by the employer or insurer, but it is seldom filled out. There are no statistics on the costs of medical care in industrial accidents in Illinois (refer to Dodd, op. cit., p. 478).

Wisconsin experience since 1917 indicates that requiring physician's reports would not of itself assure an elimination of the undesirable features of present accident reporting in Illinois. A careful administrative check is still necessary there. In Wisconsin reports are filed in the first instance by employers and subsequently by insurers and physicians. A. J. Altmeyer, when director of workmen's compensation in Wisconsin, found that the additional check involved in comparing the separate reports against each other was valuable "in discovering inaccuracies and misrepresentations, as well as in obtaining more complete reporting."¹ This triple reporting also made it possible "to see that the settlement is in accord with the terms of the law so far as these reports show."² While administration of the existing provisions may be considerably improved in Illinois, the Wisconsin system should be considered for Illinois.

Inadequate medical and surgical care.--The universality of provisions in the compensation laws of all the states for the medical treatment of injured employees evinces recognition of its importance. In fact medical care and cash benefits are the two forms of compensation provided by statute for employees injured in industry in the United States. Dodd succinctly points out that the fundamental objects in providing medical care to the industrially injured employee are: "first, to restore him as nearly as possible to complete health and therefore render him able to work, and second, to effect his restoration as rapidly as is consistent with his welfare."³ Neither of these purposes can be accomplished unless proper and adequate medical care is provided promptly when an injury is sustained and is given continuously until recovery or the maximum amount of recovery is achieved.⁴ A number of young workers who were injured in Illinois in 1933 reported, when interviewed, that improper and inadequate medical, surgical, or nursing care had been provided for them. In one tragic instance, death had silenced the fifteen year old boy, but his mother and mute

¹A. J. Altmeyer, The Industrial Commission of Wisconsin, University of Wisconsin Studies in the Social Sciences and History No. 17 (Madison: University of Wisconsin, 1932), p. 37.

²E. N. Matthews, The Illegally Employed Minor and the Workmen's Compensation Law, U. S. Children's Bureau Pub. No. 214 (Washington: Government Printing Office, 1932), p. 72.

³Dodd, op. cit., p. 411.

⁴Ibid.

records in the county coroner's office, a relief agency, and the Industrial Commission described circumstances which seemed to indicate that his unfortunate death was due to the failure to provide prompt hospital care. Other cases in which the injured young persons either received inadequate medical care or in which they involuntarily were obliged to provide for their medical treatment at their own expense are described in the following accounts.

A laborer in a sausage casing plant was sent at the time of his injury to a physician by his employer. This physician diagnosed his injury as hernia and sent him to another "insurance company doctor," who advised an operation, which was provided. Neither the boy nor his parents were satisfied with the doctor or the hospital. When he continued to suffer pain and to lose weight after the operation, he was told he had been "sewed up too tightly." A second operation was performed, which did not relieve him. When he returned to the doctor's office, he was, as the boy said, "bawled out" and told he was "just trying to get money out of them." A private physician then advised him he had never had a hernia but that he had a "varicocele." After this physician corrected the condition, the boy's health improved.

A helper in the meat canning department of a large meat packing company developed a bone felon on the right thumb as the result of bruises sustained while catching cans of hash. The finger was lanced by the company physician at its plant, after which the employee was obliged to return to his work for the rest of that day. According to two private doctors, the thumb was lanced too soon. After the day of the operation the minor was expected to return to the company's plant, about six miles from his home for dressings. A private physician in the vicinity of the minor's home was engaged to change the dressings. This doctor's bill was \$15.00. Compensation amounting to \$9.84 was paid for eight days temporary total disability.

A department store manager suffered an "incised wound resulting in a denuded laceration, triangular in shape and about 5-6 per cent in extent with a flop of skin almost entirely denuded." The insurer's physician discharged him after two weeks. He was obliged to be treated by a private physician for three or four months at his own expense, during which period he did not work. He received only \$11.78 compensation.

A company nurse removed a sliver and treated the resulting infection suffered by a girl employed in a gasket factory. After treating the injured finger for nine days, the nurse sent the girl to a physician who had to remove part of the tip of the finger and to give treatment for five months. Two and one-half years after the accident, the girl said that the tip of the finger was still sensitive and that, when working, she avoided using it as much as possible. The finger, at the time of the interview, was noticeably disfigured. The report filed with the Industrial Commission merely states that a sliver entered the finger, but gives no indication of other developments.

A 19 year old clerk in a retail bakery cut off the end of

her left thumb when she was slicing cheese with a hand slicer. Medical care was provided by the employer for three weeks. At that time the employer's physician discharged her with the explanation that although the thumb was not healed he would be paid nothing for spending further time on her. Further medical care was provided by a physician selected by her attorney.

A boy, who assisted in the operation of a continuous furnace in a gas range factory, was struck in the left scrotum by a piece of steel which slipped from the control of a fellow employee. After he had been under the insurance company doctor's care for four weeks without securing any relief from the effects of the rupture which resulted from the accident, he consulted his family physician. The latter, when he examined the boy, urged emphatically that the insurance company provide surgical care. The boy was then given hospital care and operated upon. He remained in the hospital for two weeks. Three weeks after the operation, the same physician who had failed to provide proper treatment sent the boy back to work. In addition to medical care, the boy was paid \$62.86 compensation for seven weeks and six days temporary total disability.

The hand of a girl, employed as a cutter in a factory manufacturing punch boards, slipped when she was trying to loosen the side guage on a cutter against the corner of the knife, injuring the second joint of her right thumb. She was given first aid by the factory girls and returned immediately to work. Her employer did not send her to a doctor and she did not know that she had a right to medical care. When the finger became infected, she treated it herself and finally it healed, but the joint was left stiff.

Three months after the accident the employer sent her to the insurance company to see about compensation. She had not known until then of her right to compensation. The insurance company sent her to a doctor and the doctor reported a 25 per cent loss of use of the right thumb. The doctor told her that if she had had medical care immediately following the injury she would not have had a stiff thumb. He suggested that she return to him after six months when he would be able to make a more definite statement regarding the advisability of operative repair of the lacerated tendons. Exactly eight days after the doctor had made this statement a settlement contract for a lump sum payment of \$131.25 was approved. This meant that all further right to compensation was abrogated. Thus, in spite of the doctor's recommendation that a six months' period was necessary to determine the condition of the tendons, a settlement was approved. The girl never returned to the doctor. Her finger was still stiff in 1935 and she thinks that an operation would do nothing but make it stiffer. It is very awkward, and she has great difficulty in handling small objects. However, she was still working at the same factory.

Professional qualifications of physicians.--The professional qualifications of 131 physicians who treated 251 Chicago minors were investigated in a special study.¹ The facts about in-

¹Roger J. Owen Cumming, "A Study of Physicians Treating Minors Injured in Work Accidents in Chicago in 1933" (unpublished

dividual doctors were taken from the Chicago Medical Blue Book, 1930-1-2, The Chicago Medical Blue Book, 1933-4,¹ and the American Medical Directory (editions of 1931 and 1934),¹ and the American College of Surgeons, Yearbook, 1935. Information concerning the medical schools and their history was derived from reports of "certain important studies made by the interested foundations, the Rockefeller, Carnegie Corporation and Josiah Macy Jr. Foundations,"² from the Journal of the American Medical Association, and other professional medical publications.

The Board of the American College of Surgeons has set up what it considers as the minimum qualifications of industrial medical attendants as follows:

- (1) graduation from an accredited medical school and a license to practice in the state,
- (2) at least one year's internship in an accredited hospital,
- (3) a knowledge of the diagnosis and treatment of occupational diseases,
- (4) competent in the diagnosis and treatment of all traumatic lesions which he undertakes to treat.³

This investigation revealed that one of these 131 physicians had no license to practice medicine in the State of Illinois.⁴ It was not possible to establish the status of one "Dr. Smith" reported to have had an address on the sixth floor of a large hotel in the Chicago loop. No such person was known to that hotel when inquiry was made concerning him in 1936. One physician, who treated 18 young workers who were injured in 1933, graduated from a medical school in 1907 but did not get a state license until 1917.⁵ Twenty-nine physicians, who treated 80 injured young people, went to inferior medical schools which later became extinct⁶ and 37 received their medical education in schools rated B and C by the American Medical Association.⁷

research study, School of Social Service Administration, University of Chicago, 1936).

¹Ibid., pp. 4, 5, 42. The Chicago Medical Blue Book is published by the Chicago Medical Society. The American Medical Directory is published by the American Medical Society.

²Ibid., pp. 5, 42.

³Quoted by R. J. Cumming, op. cit., p. 37, from American College of Surgeons, Quarterly Bulletin, XVIII (March, 1934), 111.

⁴Letter from the State of Illinois, Department of Registration and Education, September 30, 1936, to Earl E. Klein.

⁵Cumming, op.cit., p.14. ⁶Ibid., p.19. ⁷Ibid., p.18.

Of the physicians investigated, 47 had not served as internes, while only a few of the other 74 had had any hospital experience in addition to their internships.¹ Thirty-three physicians were found to have had or have connections with medical schools in research or instruction but five of these served medical schools of an inferior rank.²

According to the "strictest" definition applied to the term by the American Medical Association, 27 of the physicians were specialists.³ Forty others expressed an interest in some special field but did not confine their practice to it.⁴ Of the 27 specialists, 16 had had no hospital experience; 14, no service in a medical school which might give them special training; 10 went to inferior medical schools. The charter of one of the latter was revoked "for fraudulent operation."⁵

Twenty of these physicians did not belong to the American Medical Association and 25 were not members either of the Chicago Medical Society or the Illinois Medical Society.⁶ Eleven were, however, fellows in the American College of Surgeons.⁷

This review of the major findings of Mr. Cumming's investigation of 131 of the physicians who attended young workers injured in Illinois in 1933 shows that they were not protected from treatment by poorly qualified practitioners. The need for the establishment by the Illinois Industrial Commission of standards of medical care is clearly revealed. Very little has been done in other states to insure reasonably well qualified physicians for compensation cases.

Only two attempts have been made by states to assure medical care to injured employees by qualified physicians. After the subject had been thoroughly investigated New York adopted a law which provides that a physician who desires to practice under the workmen's compensation law, must apply to the medical society of his county or, if there is none, to a county board of three physicians selected by the Industrial Commission.⁸ Under this arrangement a panel of physicians meeting the standards of practice set

¹Ibid., pp. 24, 38.

²Ibid., pp. 26, 37, 38.

³Ibid., p. 30. A physician is considered as a specialist in the "strictest" sense by the American Medical Association when he limits his practice to a single field.

⁴Ibid., p.30.

⁵Ibid., pp.31,34.

⁶Ibid., p.27.

⁷Ibid.

⁸Laws of New York, 1935, chap. 258, sec. 13b, p. 719.

by the county medical societies is established. In Wisconsin¹ employers are required to name competent and impartial physicians to a panel, from which an injured employee is given the right to choose. Under this law the employer is adjudged guilty of failure to provide medical care if he does not select a reasonable number of physicians for the panel. The panel system as provided for in the New York compensation law has advantages that commend its wide adoption. The plan of selection of the physicians offers some guarantee of the professional qualifications and capacities of the physicians who treat injured employees; for, as Dodd points out, the medical societies are presumably in a better position than any other body to know of the training and to judge the capabilities of the members of the profession.² Moreover, this plan allows the patient to select the physician he prefers, thus encouraging a relationship of confidence and respect so essential to recovery. But the New York plan also does much to eliminate what a labor leader has described as "the evil influence that profit seeking insurance carriers exert over the physicians which make the latter a dangerous element at the present time."³ In this connection a report of the Bureau of Medical Economics of the American Medical Association is of interest. It condemns in general the compensation laws that provide for selection of physicians by employers and insurance companies and calls attention to two ways in which the attending physician influences the amount of compensation paid to injured employees.

He can send the employee back to work as early as possible, perhaps permitting economic pressure to overrule his professional judgment, or he can make reports and give testimony before commissions and courts which minimize the extent of disability. Evidence that these motives have and do still influence the decision of physicians chosen by employers and carriers is so voluminous and convincing as to make ridiculous the constant denial of such influence by representatives of insurance companies.⁴

Quite similarly, Anton Johannsen, a labor member of the Illinois Industrial Commission, has expressed his thinking about insurance

¹Wisconsin Statutes, 1931, chap. 102, sec. 42, p. 1204.

²Dodd, op. cit., pp. 494-95.

³Harry Weiss, "Physicians, Insurance Companies, and Injured Workers," American Federationist, XL, Part I (1935), 469.

⁴American Medical Association, Bureau of Medical Economics, Medical Relations under Workmen's Compensation (Chicago, 1933), p. 69.

company physicians in these words:

I have been on the commission two years, and I swear to heaven it is difficult to find doctors you can believe. You do not know whom to believe.¹

Not many of us are convinced that these company doctors are slaves to the truth, but rather we think that sometimes they exaggerate and that sometimes they are influenced by the fellow who pays their bill.²

Treatment in Cook County Hospital.--Seven minors³ injured in 1933 were given care in the Cook County hospital for from one day to 209 days at a total cost to Cook County of \$959.00 for none of which the County had been reimbursed as late as the spring of 1936.⁴ The only record in the Admitting Division of the hospital of action taken to collect for this care was a notation to the effect that a bill had been sent to one minor in September, 1934. A red flag was put on this boy's card in the files of the admission office while conferences, as to the policy of the hospital in industrial accident cases, were in progress with the hospital officers in June, 1936. This marker will prevent him from obtaining further hospital care at the Cook County hospital until the amount charged him is paid.

Before describing the circumstances of these seven cases, the present procedure at Cook County hospital should be briefly described. All admissions are made through the Hospital Service Division of the Cook County Bureau of Public Welfare. Except in cases of emergency, all cases of accident for which an employer is considered responsible are rejected. Such industrial accident cases as are admitted are referred to the Claims Department of the Hospital Service Division, which attempts to collect on all "reimbursement" cases. Its duties are: (1) securing of agreements with the patient, his attorney, the employer or insurer, and the Industrial Commission that the rights of Cook County will be re-

¹U. S. Department of Labor, Division of Labor Standards. Proceedings of the Second National Conference on Labor Legislation (1935) (Washington: Government Printing Office, 1936), p. 84.

²U. S. Department of Labor, Division of Labor Standards. Proceedings of the 1934 Convention of the I.A. I.A.B. & C. Division of Industrial Accidents and Diseases (Washington: Government Printing Office, 1935), p. 79.

³Employers or insurance carriers reported to the Industrial Commission that they had furnished medical care to four of these seven minors.

⁴Cook County hospital care was secured by at least two other minors, but information concerning their hospitalization was not available in the hospital records.

spected; (2) delivering bills for hospital services to the proper party; (3) appearing before the Industrial Commission; (4) requesting the appointment of guardians in the case of minors; (5) referral of the case for collection to the State's attorney's office. This Division did not protect the County in 1933.

In the following case histories the circumstances under which injured minors were treated at Cook County hospital are briefly described.

A newsboy, age 11 years, was struck in the right eye by a wire with which a bundle of newspapers was bound. At 11 p.m. on the day of the accident, he was taken to the Cook County hospital by a friend, where he remained for 23 days. His injury was diagnosed as a partial collapse of the anterior chamber of the right eye and an operation was performed in an attempt to correct this condition. About 11 months later when he returned to the eye clinic of this hospital for a recheck of his vision, it was found that there was "almost complete loss of sight in right eye." A further recheck, on January 15, 1935 at the same clinic, showed no change in the right eye but a slight change in the left eye. The costs to Cook County of \$69.00 for the first 23 days treatment have not been paid.

A 17 year old boy was operated upon for a right inguinal hernia and spent 21 days in the Cook County hospital. He went there from his home by street car. The costs to the hospital were entered as \$63.00. This boy's employer had refused to provide the operation although ordered to do so by an arbitration award sustained upon review by the Industrial Commission.

An employer refused medical care to a 17 year old boy, who injured his knee when he fell off the employer's delivery truck. When admitted to the Cook County hospital four days after the accident, he was unable to walk without aid. He was in the Cook County hospital for 35 days for surgical treatment of a fractured right knee. The hospital costs of \$105.00 remain unpaid. Not only did this employer refuse medical care but he has refused to pay the money compensation awarded by arbitration.

Although an insurance company doctor who attended a score or more Chicago minors in 1933 was reported to the Industrial Commission to be caring for a boy with a lacerated arm involving radial paralysis, he was admitted on the day of his accident to the Cook County hospital. He was in the hospital for seven days for surgical treatment and was readmitted a month later for repair of the peripheral nerve lesion, which required a stay of eight days. The costs charged against him were \$45.00. On this boy's admission card is a note stating the cause of the accident, giving the name and the address of the employer, and stating that the latter "has insurance to cover this." This minor subsequently received \$1,440.36 compensation, but no action was taken to recover from either him or the insurer.

Seven months hospital care at a cost of \$665.00 to Cook County was given to a young worker whose condition was diagnosed

as osteomyelitis of the right femur. The names of the attorneys appearing in the proceedings before the Industrial Commission and of the insurer were entered on his admission card at the hospital. The insurer deducted \$542.58 for medical costs from a lump sum payment awarded the boy, but did not reimburse the county. The only action taken by Cook County hospital to collect for its services was the sending of a bill to the injured boy. Because this bill is unpaid, he is barred from further care at Cook County hospital.

A girl was a patient in the Cook County hospital for three days for surgical treatment of an infection of her right thumb, resulting from a splinter. She was admitted at 2:10 a.m. four days after the accident. The costs to the County of \$9.00 remain unpaid.

A boy, 18 years of age, was admitted to the Cook County hospital at 8:30 p.m. four hours after his accident. His left forearm was fractured. He was in the hospital for only one day, after which he was treated by an insurance company physician. When he was admitted to the hospital he stated that his injury was caused by a fall down a stairway in the home of a brother. The accident report states, however, that he was injured at 6:30 p.m. while unloading coal at a butcher shop. Compensation amounting to \$217.50 was paid to the minor, but nothing to the hospital.

Claim and Settlement Procedure

Routine or Uncontested Cases

Four systems of procedure in recovery of compensation are in use in the 46 states having workmen's compensation laws. These are known as: (1) the claim system, (2) the voluntary-agreement or direct settlement system, (3) adjudication of cases on basis of employers' and insurers' reports only, and (4) the hearing system.¹ Illinois operates under the third method, the chief merit of which is its administrative simplicity. Theoretically, it permits prompt payment of compensation. The objections are that reports are required only for compensable accidents and only from the employer or the insurer. Reports are not required from both employer and the insurer and none are required from physicians or the injured persons. Under this system no knowledge is available concerning the frequency of accidents in Illinois as a basis for preventive and corrective programs and minors may easily be taken advantage of.

¹Carl Hookstadt, Comparison of Workmen's Compensation Insurance and Administration, U. S. Bureau of Labor Statistics Bulletin No. 301 (Washington: Government Printing Office, 1922). A summary and appraisal of these four methods are given by Mr. Hookstadt on pp. 43-51.

Most accident cases are settled in Illinois by "agreement" without recourse to the Industrial Commission for adjustment of claims or for approval of settlements. Of the 1,233 cases of injuries to minors in 1933, 83.2 per cent were concluded in that manner. In such cases compensation payments are made voluntarily by the employer, or the insurance carrier, who files the accident report, partial-payment, and final settlement receipts and other supplementary reports with the Accident Report Division to attest execution of compensation. Reports, known as the "Final Settlement and Receipt," filed at the conclusion of a case show the amount of compensation paid, the kind of disability compensated, the amount paid for medical bills and by whom paid, and the amount paid for burial or funeral expenses. Ordinarily these reports bear the signature of the injured employee or his beneficiary in case of fatal injury. The auditing and filing of all reports are done by the Accident Report Division. Mathematical discrepancies or violation of provisions of the statute are usually called to the attention of employers by this division when they are discovered. But unless an employee files a petition for adjustment of claim, or otherwise makes a complaint, the Industrial Commission has no routine procedure for determining the correctness of the facts submitted by the employer or the insurer. It accepts the signature of the workman on the "Final Settlement" receipt as evidence that the facts stated are correct.

Usually it is only when the injured workman refuses to accept the payment offered by the employer or insurance company that cases come to the attention of the Industrial Commission. Those which require appearances before arbitrators or before one or more of the Commissioners are more likely to be carefully scrutinized. Nevertheless in certain types of cases approval of the Industrial Commission is required even though the parties are in agreement, for example, in settlement contracts, lump sum settlements, and in cases of minors under sixteen years of age. These provisions are obviously intended for the protection of the employees.

A claim procedure of the type used in Illinois presumes that neither employers or insurance companies will take advantage of their position in compensation relationships with injured employees. This presumption ignores the fact that employers and insurance companies are in business to make profits and to pay

dividends. The insurance companies derive their profits from premiums charged employers and from economies effected in operation. One way they economize is to return workers to their jobs before they have fully recovered from the effects of their injuries, thereby reducing the amount of compensation payable for temporary total disability. The ethics of our economic system condones and gives veiled sanction to economies, such as the latter, which yield profits. After listening to the testimony of insurance company physicians in a number of arbitration hearings, the author is prone to agree with Commissioner Anton Johannsen's statement: "Not many of us are convinced that these company doctors are slaves to the truth, but rather we think that sometimes they exaggerate and that sometimes they are influenced by the fellow who pays their bill."¹

The long and persistent opposition to the existing system, coupled with a fight of the same duration and intensity for a state insurance fund, on the part of organized labor within the state, is in part due to recognition of the fact that private insurance companies do not exist for the benefit of injured workmen. As early as 1916, the Illinois State Federation of Labor in annual convention resolved to seek enactment of state-owned and state-controlled insurance, declaring that privately owned insurance companies were detrimental to the workmen's interest and tried their best to keep from the injured workers their just compensation.² The Federation has since then regularly declared itself for a state fund and has had introduced or sponsored bills to set up such a fund at nearly every session of the General Assembly.³ For good reasons, Labor is distrustful of the present claims procedure in Illinois because it is so completely in the hands of private insurance companies. A state insurance fund is desirable,

¹U. S. Department of Labor, Division of Labor Standards, Discussion of Industrial Accidents and Diseases Bulletin No. 2 (Washington: Government Printing Office, 1935), p. 79.

²Illinois State Federation of Labor, Proceedings, 1916 Convention, pp. 231-32. In its 1914 Convention the Federation also declared for a state fund; see, Proceedings, 1914 Convention, pp. 21-23.

³Earl Beckner, History of Labor Legislation in Illinois (Chicago: The University of Chicago Press, 1929), pp. 470-73; A. Staley, History of the Illinois State Federation of Labor (Chicago: The University of Chicago Press, 1929), pp. 480-81; Legislative Synopsis and Digest of the 57th General Assembly of Illinois 1931, No. 21 (Springfield: Journal Printing Co., 1931), pp. 502-32.

but without it better administration under the existing system is possible. Settlement by agreement may be made more satisfactory for injured employees by efforts of the Industrial Commission to inform each one who is reported injured of his rights under the Workmen's Compensation Act and of the services available to him at the Commission's offices for the protection of his rights. Routine field investigations, including interrogation of the injured persons, after careful scrutiny in the office of accident and compensation reports, would be another means for safeguarding the interests of injured workmen in Illinois.

Contested Cases: Arbitration

In Illinois in case of failure of either the employee or the employer to agree on facts or points of law related to compensation for injury, a petition for adjustment of claim may be filed by either party with the Industrial Commission.¹ All such disputes are heard by a committee of arbitration or by an arbitrator, usually the latter. The hearings before the arbitrator or committee of arbitration must be held in the vicinity where the injury occurred. If either party is dissatisfied with the award of the arbitrator, he may petition for a review by the Commission. The decision of the Industrial Commission in the absence of fraud is made conclusive by law,² but the Circuit Court of the county where any of the parties defendant may be found has power by writ of certiorari to the Industrial Commission to review all questions of law and fact presented by such record. The State Supreme Court may review the judgments and orders of the Circuit Court upon a writ of error.

Arbitrators hear evidence and make awards in disputed cases under the direction of the Commission. Six or seven arbitrators are usually allocated to Chicago and hearings are held before them on five days a week. The other arbitrators are assigned to hold hearings on cases outside the Chicago area. Although the State Civil Service Commission classifies the position in accordance with the State civil service law, only one of the eleven arbitrators active in 1933 and during the progress of this study had received appointment from the civil service lists.³

¹ Illinois Workmen's Compensation Act, sec. 19.

² Ibid., sec. 19(f).

³ See discussion of personnel and politics on pp.23-24.

Petitions for adjustment of claims were filed by 102 of the 1,233 minors who sustained industrial injuries in 1933. These 102 young workers were in disagreement with the employer, or the insurer, concerning one or more of such points as: the liability of the employer under the Act; the date and place of accident; notice of injury; nature and extent of disability; dependency of alleged dependents; the offer and acceptance of medical services; and the amount of compensation already due or paid. Fifty of the 102 minors petitioned for the dismissal of arbitration proceedings either before or while hearings were in progress. Ten of these 50 settled their differences with their employers or the insurance companies; seven signed settlement contracts which were approved by the Industrial Commission; and 33 agreed to settlement contracts providing for lump sum payments, which were approved by the Industrial Commission.

The conflicting claims were arbitrated in only 52 cases. In 37 of the awards made by the arbitrators their orders were, according to the Commission's records, carried out. Eight decisions of the arbitrators were reviewed by one or more of the Commissioners, with the result that four were upheld and four were reversed. In none of the cases, in which the arbitrator's decision was reversed or modified, was the review award carried out by the employers or the insurance companies as ordered by the Commission. Each was superseded by a settlement contract and a lump sum payment (thus barring all future consideration of the case for any reason except fraud), and each for a smaller amount than was awarded: one for \$505.97 less, one for \$106.44 less, another for \$131.47 less, and the fourth for \$3.85 less. In three of the four cases in which the Commission upheld the arbitrator, compensation was apparently being paid as ordered. Arbitration awards were superseded by settlement contracts and lump sum payments in four cases other than the ones mentioned above.

Six injured persons, whose claims for compensation were arbitrated, were interviewed in the course of this study. Five of these reported that the arbitrator's awards were not completely carried out. In one case neither the order for medical care nor payment of compensation was carried out; in two cases the compensation was not paid; and in two others medical care was not provided as ordered. While there was no record in its files of any action on the part of the Industrial Commission to enforce its awards in

these cases, neither was there any record to show that these employees reported their failure to receive compensation and treatment to the Commission.

Contested Cases: Settlement Contracts

Settlement contracts and lump sum settlements must be approved by the Industrial Commission. A settlement contract is an agreement between the employer and employee, usually entered into as a compromise on some disputed issue; such as, nature and extent of an injury or the amount of compensation to be paid.¹ The terms of a settlement contract are not always a compromise, or a waiver of rights under the Workmen's Compensation Act, but may be only a formal statement of the understanding of the parties when there is no contest. A waiver of rights under the Act are not valid until approved by the Industrial Commission.² Settlement contracts are desirable in fatal cases, in the opinion of a division head of the Industrial Commission, because they afford a means for the determination of heirs and thus protect rightful beneficiaries and the employer or insurer. Rules published by the Industrial Commission in 1934,³ but said to have been generally followed in 1933, require that a physician's report stating the nature and extent and probable duration of the disability resulting from the injury shall accompany a settlement contract. In case of an injury to an eye the physician's report must state the prognosis with regard to the injured eye, and also the prognosis with regard to the uninjured eye, if only one eye be involved in the injury.⁴ The appearance of the employee in person is required at the hearing of a settlement contract before one or more of the Commissioners, unless illness or sufficient cause prevents his appearance.⁵

A settlement contract does not prevent the reopening of a case within eighteen months on the ground that the disability of the employee has, subsequent to the agreement, recurred, increased,

¹Illinois Department of Labor, Thirteenth Annual Report, 1930, pp. 86-90; Dodd, Administration of Workmen's Compensation, pp. 138-39, 193-94, 200-201.

²Illinois Workmen's Compensation Act, sec. 23.

³Illinois Industrial Commission, Rules Governing Practice and Procedure, Effective July 1, 1934, especially pp. 12-14.

⁴Ibid., pp. 5-6.

⁵Ibid.

diminished or ended, but as Dodd points out, the employee has no chance to reopen in the event of underpayment.¹ However, if the settlement contract provides for the payment of all accrued compensation in a lump sum, as most of them do, there is no reopening except in the event of fraud.² This type of settlement often results in injustice to the worker. For example, a boy related to an investigator, when visited in his home, that he had to return to a hospital for four months at a cost of \$400.00 to himself after a settlement contract and lump sum settlement had been made. At the time of the settlement the boy contended before the Industrial Commission that his injury was unhealed.

Twelve per cent (148) of the 1,233 minors who sustained industrial accidents in Illinois in 1933 entered settlement contracts, while 10 per cent agreed to settlement contracts providing for the payment of compensation in full lump sums,³ thereby barring subsequent consideration of their cases. Although this type of settlement does not protect the interests of young persons if entered into at a time when the full extent of their disability is undetermined, yet such agreements were approved by the Industrial Commission in 32 cases involving minors injured in 1933. Illustrations from these 32 cases follow.

Of the 148 settlement contracts entered by minors who were injured in Illinois in 1933, 86 were compromises of disputed issues, 54 were formal statements of understanding of the terms of settlement, and 8 superseded arbitration awards made either by arbitrators or the Commissioners. The issues involved in the disputes which were compromised by settlement contracts were: extent of disability in 48 cases, denial or relationship of disability to employment in 15 cases, denial of employer-employee relationship and denial of employers' liability in 15 cases, medical costs in one case, while in the other 15 cases such questions as the degree of dependency of survivors and the statute of limitations were raised.⁴

A 14 year old boy was injured while selling magazines. After arbitration proceedings were dismissed, a settlement contract was approved on the ground that "there are disputed

¹Dodd, op. cit., p. 200.

²Illinois Workmen's Compensation Act, sec. 19(h).

³A full lump sum is one which provides for the immediate payment of all compensation accrued or due to accrue in the future.

⁴More than one issue was involved in several cases.

questions of law and fact as to the nature and extent of disability" and "both parties desire to make a compromise settlement." A lump sum payment of \$450.00 was made in accordance with this agreement.

Another settlement agreement provided for the payment of \$325.00 in a lump sum to a girl who was injured at "A Century of Progress" concession. According to the record one of the reasons was "the nature of the disability, if any, is uncertain, indefinite, and difficult of exact ascertainment." The lump sum petition declared that the "petitioner needs money to pay debts."

A 19 year old boy had pulmonary tuberculosis when a contract for settlement by the payment of \$500.00 in a lump sum was agreed upon. The employer denied the boy's claim that his illness was caused by an accident in the former's spring factory.

Lump Sum Payments

In Illinois practice a full lump sum is one which provides for the immediate payment of all compensation accrued or due to accrue in the future. Usually unaccrued compensation is commuted to its present value (a discount rate of three per cent is applied). A partial lump sum settlement is one in which only a part of the unaccrued compensation is commuted to its present value. Approval of a total lump sum payment, if in accordance with a settlement contract, by the Industrial Commission precludes the later opening of the case except in the event of fraud. A partial lump sum payment does not close the case unless such payment includes all compensation remaining payable for the injury at the time of the settlement.

The petitioner for a lump sum settlement in Illinois must set forth on a form provided by the Industrial Commission the reasons why he or she believes it to be to the best interests of the parties that compensation be paid in a lump sum. The Industrial Commission approves the petition upon the basis of these reasons and, doubtless, upon consideration of other evidence.

As to the reasons why compensation commissions approve this undesirable form of payment R. M. Little, Director of the Rehabilitation Division of the New York State Education Department, points out that:

Compensation officials have been known to approve lump-sum payments because they thought of it as ordinary insurance and also because it was a quick way to dispose of claims and expedite administration. . . . Employers have at times favored lump sum settlements. Physicians for some claimants have advocated lump-sum payments on therapeutic grounds. . . . Run-

ners and pseudo-friends have done their part to help claimants get money in lump-sum payments in order that they may share in the awards. Real estate men and others in the commercial field have advocated lump-sum payments in order that they might sell real estate or something else, or collect dues. Politicians have used their influence to secure lump-sum payments to please their constituents.¹

The view expressed by Anton Johannsen, a labor member of the Illinois Industrial Commission in the discussion of Mr. Little's paper at the Convention of the International Association of Industrial Accident Boards and Commissions in 1935 may or may not express the philosophy of the entire Industrial Commission, but seems of sufficient importance to be quoted here in part.

I am certain that the average working man wishes to determine for himself the best way for him to spend his money. I know when a man gets his check and the boss tells him how to spend it, he resents it. He has a similar resentment toward public-officials who are so cocksure how he should spend his money.

. . . . if we reject the lump sum the injured man will not get anything and where will he go then? On the question of contested cases, invariably the lump sums are not only warranted, but the lump sum is the only method of definitely settling the case, and often it is the best cure, better than pills and medical treatment. The elimination of traumatic neurosis enters into this picture and you try to reason with a man that it is a state of mind and the longer you delay his settlement the worse he becomes and quite frequently a settlement is the best cure. I find from my own experience, both as a member of a commission and as an adjuster for a number of years, that quite frequently the medical adviser on both sides recommends a reasonably early settlement based upon a lump sum so that the man can get it off his mind and think about something else. As a working man I resent professional advice as to the best method of spending my money.²

In his acceptance of the theory that there is a therapeutic benefit to be derived from a lump sum payment, Mr. Johannsen is joined by at least one other important Illinois official, namely; Daniel D. Carmell, Assistant Attorney General in charge of workmen's compensation cases. In an interview with him in the Industrial Commission's offices sometime in 1936, Mr. Carmell defended lump sum settlements in general on the basis of their value in the preven-

¹R. M. Little, "Lump Sums in Compensation Administration," Discussion of Industrial Accidents and Diseases, U. S. Department of Labor, Division of Labor Standards, Bulletin No. 4 (Washington: Government Printing Office, 1936), p. 151.

²Remarks of Mr. Johannsen, Discussion of Industrial Accidents and Diseases, U. S. Department of Labor, Division of Labor Standards, Bulletin No. 4, pp. 162-63.

tion of "compensation neurosis." In the same interview he justified the granting of lump sum payments to minors injured in 1933 on the grounds of certain expediencies which will presently be discussed. Although the arguments favoring the theory are recognized as specious, there is a paucity of statistical data on which a conclusive rebuttal might be based. However, a study of final adjustments in lump sum settlement cases in New York State by Carl Norcross of the Rehabilitation Division of the New York State Education Department charts the way toward factual repudiation of the theory.¹

This New York study revealed that the injured employees who received lump sum payments had been classified by compensation physicians as neurotic at the time of settlement in only 20 per cent of the 322 cases investigated.² The author points out, therefore, that it is unwise even to talk of therapy in 80 per cent of the cases studied,³ while if any marked therapy resulted from the settlement in the other 20 per cent, it seemed to occur in only 17 of the 64 cases which had been classified as neurotic and "in six of the 17 cases the therapy was so slight as to be scarcely apparent."⁴ These and other facts assembled by Mr. Norcross indicate that it is a mistake to suppose that lump sum settlements have in and of themselves therapeutic value for those who are paid compensation in that manner.⁵ Nevertheless, compensation officials and others have often acted on the assumption that this theory was valid. Their thinking of settlements and lump sums as inseparable, which is not necessarily true at all, partly explains their acceptance of that view.⁶ In this regard another conclusion of the New York study is revealing.

This study of individual cases suggests that if any therapeutic value follows the lump-sum closure, it is derived from the sheer settlement of the case, not from the lump-sum. It is the ending of the litigation which is of great importance and which brings mental relief to the claimant.⁷

Although the lump sum method is widely used for the reasons reviewed above, the installment form of payment of compensation is more likely to achieve the fundamental objectives of workmen's compensation laws; namely, the protection of employees from

¹Carl Norcross, Vocational Rehabilitation and Workmen's Compensation (New York: The Rehabilitation Clinic, 1936).

²Ibid., pp. 67-68, 78.

³Ibid., p.68.

⁴Ibid., p.78.

⁵Ibid., p. 68.

⁶Ibid., pp.68, 78.

⁷Ibid.

the losses suffered by them in industrial accidents and the protection of the community from the necessity of providing care and maintenance for those who are injured. Thus, it is in keeping with these basic principles that the Illinois Workmen's Compensation Act requires the payment of compensation in installments at the same intervals at which wages or earnings are paid,¹ unless special arrangements are made which include hearings and the approval of the Industrial Commission. In the first place, the interests of the injured employee are protected by a provision of the Act which states that installments cannot be attached or reached in any way by debtors. In the second place, since compensation paid in large amounts--as it usually is in lump sums--is apt to be spent ill-advisedly by recipients who lack special experience in handling large sums, the provision for installment payments can be said to protect the workman and his dependents from his or their immaturity and caprices, as well as from alluring schemes of unscrupulous persons. On the other hand it may be reasonably assumed that compensation paid at the same intervals as are wages will be expended with the same degree of prudence as are wages. But in helping injured employees to conserve their resources by requiring that compensation payments be spread over a comparatively long period of time, the community also protects its interests. The likelihood of the victims of industrial accidents becoming destitute and being thrown back upon the community for maintenance or assistance in one form or another is thereby decreased and the costs incident to the industrial hazard are made more definitely the continuing responsibility of industry--which is as workmen's compensation laws intend it should be.²

The Supreme Court of Illinois in Goelitz v. the Industrial Board,³ affirmed that:

The fundamental basis of workmen's compensation laws is that there is a large element of public interest in accidents occurring under modern industrial conditions, and that the economic loss caused by such accidents should not necessarily rest upon the public but that the industry in which an accident occurred should pay, in the first instance, for the accident. . . . the State is concerned in preventing dissipa-

¹ Illinois Workmen's Compensation Act, secs. 7(f) and 8(1).

² G. W. Angerstein, The Employer and the Workmen's Compensation Act of Illinois (Chicago: Hawkins & Loomis Co., 1923), pp. 356-59.

³ 278 Ill. 532 (1917).

tion of the money paid and an early recourse to that charitable aid which systematic compensation aims to avoid.

The payment of compensation in lump sums instead of installments, therefore, is considered a deviation from what was conceived as the method most likely to achieve the purposes of workmen's compensation laws. Consequently, in providing for use of the lump sum method of payment the legislature enacted certain safeguards. Lump sum settlements must have the approval of the Industrial Commission, which may be given if it appears upon proper showing before the Commission or any member thereof to the best interests of the parties.¹ The Industrial Commission decides what is the "best interests" of the parties upon the basis of the evidence presented. Admittedly it is a difficult administrative problem to determine without investigation by the administering agency. The courts have been called upon to interpret the clause in several cases and in each instance have, in addition to other important declarations, affirmed the stake of the community as a matter for consideration.

In Goelitz v. the Industrial Board,² the court declared that the evidence must show that the lump sum payment is to the best interests of the party applying and not injurious to the other party. The court held in Forscher v. Industrial Board,³ that there must be some showing in a legal and competent manner of reasons why the petition for a lump sum payment should be granted. Building upon these two earlier decisions, the court in Clark v. Industrial Commission,⁴ held that it is not the purpose of the compensation law to provide funds for the benefit of the creditors of beneficiaries. In this case a lump sum had been approved for the reason that the beneficiary wanted the compensation to make improvements on property and to pay debts. The Court remanded it to the Industrial Commission for further consideration. The Industrial Commission, of which the present chairman of the Industrial Commission was a member, made this statement in its Annual Report 1921, p. 8:

An important construction has been placed on section nine of the Workmen's Compensation Act in the case of Clark Co. v. Industrial Commission, 291 Ill. 561. This opinion held that compensation cannot be commuted to a lump sum for the express purpose of paying claims and debts.

¹ Illinois Workmen's Compensation Act, sec. 9.

² 278 Ill. 532 (1917).

³ 278 Ill. 99 (1917).

⁴ 291 Ill. 561 (1920).

Angerstein also concluded that this decision means that lump sum petitions were not to be approved for payment of debts.¹

While it is not possible to judge from the records whether the Industrial Commission in handling the lump sum petitions of the minors injured in 1933 has acted in accordance with the Supreme Court decision that in order to approve a lump sum settlement there must be "some showing, in a competent and legal manner, of reasons why the petition should be granted,"² the discussion in the following pages makes one somewhat skeptical. Stenographic accounts are not made of approval of settlement contracts and lump sum settlements. The main record of the reason why a lump sum order has been approved is found in the lump sum petition which is a rather comprehensive two page printed form. Any supporting documents which are presented are filed with the petition and the lump sum order in a "docket" envelope.

Of the 1,233 young workers injured in Illinois in 1933, 128 agreed to lump sum payments. These 128 minors were granted 39.8 per cent of the total amount of compensation (\$119,851.23) paid all 1,223 for whom there was a record of payment. Thus, 10.5 per cent of these 1,223 young persons, or their survivors, received 39.8 per cent of all compensation in lump sum settlements. Partial lump sum settlements were made in two of these cases, while full lump sum settlements were approved in the others.³ In the 126 cases for which full lump sums were approved, the disability was of a permanent nature in 92 cases; temporary total disability in 12 cases; temporary partial disability in four; disfigurements alone in six; extent of injury unreported in seven; and fatal injuries in five.

Although the petitioner for a lump sum payment is theoretically required to state the reasons why he or she believes it to be to the best interests of the parties that compensation be paid in a lump sum, an examination of the petitions for this form of settlement revealed that in a great many cases the recorded "reasons" for the lump sum did not comprise a sentence; for example, "to pay off old debts," "to pay debts," and "to defray out-

¹G. W. Angerstein, The Employer and the Workmen's Compensation Act of Illinois, p. 356-59.

²Forscher v. Industrial Board, 278 Ill. 99 (1917).

³See p.180 for statement as to the meaning of full and partial lump sum settlements.

standing expenses." Moreover, it was found, as Table 29 shows, that despite the Supreme Court's decisions holding that the Industrial Commission should not approve lump sum petitions where the petitioner's reason is the payment of debts, 67 petitions were approved in which that was the stated reason for the petition. And it may not be without significance that five petitions asked for lump sum payments in order to pay medical bills, although the records on file with the petitions did not make it clear whether or not these bills were incurred as a result of the accident. Among the miscellaneous reasons given by petitioners are the following: for attorney's fees and other accident expenses, present needs and to pay expenses, marriage, to invest in business, and to pay off mortgage on a home.

When the content of Table 29 was discussed with the assistant Attorney General assigned to the Industrial Commission, he explained that in 1933 the policy of the Industrial Commission was to approve all lump sum petitions because there prevailed apprehension concerning the financial stability of employers and insurers. According to this attorney, the financial failure of seven casualty companies created a panicky feeling which caused the Industrial Commission to seek payment for injured persons while the companies were still solvent. Under these circumstances this procedure was perhaps justified. However, the very atmosphere of panic under which they received what were for them large sums may have been an added stimulus for reckless spending. As is shown in the section on "How Compensation Was Expended" several lump sums were spent in that way.¹

However, if the best interests of the minors were the dictating motive at a time of financial uncertainty, might not the funds extracted from the coffers of tottering insurance companies have been protected through the appointment of guardians and the creation of trust funds? Such procedure may have been possible had there not been forces and philosophies operating in favor of lump sum payment.

For example, authorities on workmen's compensation are quite certain that experience shows that the employee's attorney likes to be assured of the payment of his fee, when his work is completed, and, because the lump sum award is an easy way for him to secure prompt payment, he may press for a lump sum payment al-

¹See pp. 152-59.

TABLE 29

REASONS GIVEN IN LUMP SUM SETTLEMENT PETITIONS FILED
WITH THE ILLINOIS INDUSTRIAL COMMISSION BY MINORS
INJURED IN WORK ACCIDENTS IN 1933

Reason Given in Lump Sum Petition	Number of Minors
Total	128
Full lump sum settlements.....	126
To pay debts.....	66
To compromise and foreclose case.....	32
To pay medical expenses.....	5
Other ^a	11
Not reported ^b	12
Partial lump sum settlements.....	2
To pay debts.....	1
To purchase home.....	1

^aIncludes seven cases where settlement contracts provided for payment in a lump sum, although there were records of neither petitions for lump sums nor lump sum settlement orders.

^bIncludes: for attorney's fees, "present needs," marriage, to invest in business, to pay off mortgage on home, to place in trust for minor.

though it is against the interest of his client.¹ Insurance companies, on the other hand, frequently encourage lump sum payments, because they desire to settle cases in which it is possible that the disability might recur or increase, since reopening of a case is then precluded. Admittedly, many injured persons may be rational in their wish for, as well as their plans for the use of, the compensation money. Administrative devices for the protection of the interests of those who are less experienced and mature, if properly administered, would not penalize any in the former category.

Compensation Not in Accord with the Law or Not Paid

Investigation of the experiences of young workers in their efforts to collect compensation revealed how employers and insurance carriers seek to evade their responsibilities under the law and seek by various means to induce these young people not to insist on their rights. Ignorant of the law, dependent, fearful of unemployment, they are easy to victimize. In the accounts which follow are described cases in which young people were dismissed when injured or when they attempted to collect more compensation than was offered by employers or insurance companies, misrepresentations were made concerning the permanence of employment, compensation was not paid in accordance with the law, compensation was not paid in accordance with the awards of the Industrial Commission. The content of these accounts is based upon information given by the injured persons in interviews. Employers and insurance companies have not been asked for their versions of the incidents which are described. There is, however, nothing in the Industrial Commission's records to indicate that the accounts are incorrect.

An 18 year old boy was discharged immediately after a settlement contract providing for the payment of \$75.00 compensation for the 10 per cent loss of the use of a finger was approved by the Industrial Commission. At the time of his injury the boy was employed in the delicatessen of a chain de-

¹Little, "Lump Sums in Compensation Administration," Discussion of Industrial Accidents and Diseases, U. S. Department of Labor, Division of Labor Standards, Bulletin No. 4, pp. 150-58; Dodd, *op. cit.*, p. 729. Gibbons and Stansbury, When Children Are Injured in Industry (New York: National Child Labor Committee, 1933), p. 43. The latter is a report of a follow-up study of 167 children injured in industrial accidents in Tennessee, Illinois, and Wisconsin.

partment store. According to the boy when he reported to his foreman that he had cut his finger, he was told that care by a physician would result in a report of the accident. As the foreman did not want such a report to be made, he did not send the boy to a doctor, but instead told him that any complaint would result in his discharge. Several months after the accident, when an attorney advised him that compensation could be collected for the permanent partial injury of the finger, a petition for the adjustment of claim was filed with the Commission. It was then that the employer filed a report of the accident with the Industrial Commission, reporting, however, that the boy was two years older than he was.

When interviewed two years after the accident, the boy related to the investigator that he had been unemployed for five months following his discharge by the accident employer. He also complained that the stiffness of his finger, which had resulted from the infection caused by his failure to be given early medical treatment, interfered with his work in wrapping packages and handling objects in general.

Three weeks after an 18 year old sewing machine operator had sustained an injury to her right middle finger, when a needle broke and three pieces were embedded in the bone, she returned to her job with the physician's approval. After she had worked only a half day, she was told that business was dull and that she was not needed. She was never called back to work.

At the time of an interview two years afterward, this girl stated that her earning capacity was permanently affected as a result of this injury. She said that her finger was still painful and that a recent x-ray had shown fragments of the needle lodged in the bone.

A 19 year old boy related to an interviewer that he was dismissed from his job when he engaged attorneys following the insurance company's refusal to pay him any compensation for an injury which disabled him for eight weeks and required a physician's care for five weeks.

A 17 year old boy, working on the night shift in a candy factory, had one finger amputated and others seriously injured in an accident occurring at 3:30 a.m. He did not contest the proffered compensation, because the insurance company assured him that he would have a job for life if he did not. Four weeks after he returned to work, he was laid off, however.

A 19 year old punch press operator suffered the traumatic amputation of the distal phalanx of the right middle finger and of the tip of the index finger. He spent one day in a hospital and was under a physician's care for six weeks, being disabled for 37 days. Under a settlement contract he was paid \$161.25 in a lump sum for the 50 per cent loss of use of the right middle finger and for the 10 per cent loss of use of the index finger. Three weeks after his return to work he was discharged. When interviewed in 1935, this boy was having trouble with the index finger because the roots of the nail were left embedded in the finger. However, because of the manner of settlement which was made with the insurance company, he had no recourse in this case of recurrence of the injury.

According to a 15 year old messenger boy, who fractured

his arm in a fall from his bicycle, he was discharged without cause two weeks after his return to work despite assurance given him by an insurance adjuster that if he did not engage a lawyer he would be retained indefinitely. This boy was paid compensation only for temporary total disability and nothing for the loss of use of his arm, which was noticeably crooked at the time of the interview.

An 18 year old girl was employed as a machine operator by a manufacturer of popular candy bars. Although she earned only \$6.38 per week, about 15 cents an hour, she managed to take a six months' training course at a business school as she was eager to get a job as a stenographer. While awaiting such an opportunity she continued to work at the candy factory. Her ambitions were thwarted, however, when as she was preparing to end a day's work at 10:20 p.m., during a rush season, her fingers were caught in the rollers of the candy machine which she operated. The index and middle fingers of the left hand were severely lacerated and the index finger was fractured in several places. She was attended by the company's physician for six weeks.

According to the girl's mother, she was totally incapacitated for at least 12 weeks, but was paid compensation for only five weeks of temporary total disability. She did receive compensation, however, for disfigurement of the index finger. She was not reemployed by the accident employer until 18 months after the injury. At that time and at the time of the interview she complained of being handicapped by the finger in her work.

A 16 year old girl was regularly employed as a kick press operator in a gasket factory. When there was insufficient work for the kick presses, the forelady put this girl to work on a machine with which she was unfamiliar. Two days later her index finger was caught in the machine. Her employer, as was the practice of this employer in a number of accidents reported in 1933, reported the payment of \$4.29 for temporary disability but not the nature of the injury to the Industrial Commission. Two months after the accident this girl was laid off and was never recalled. Although she realized that her finger was permanently injured (disfigurement was noticeable at the time of the interview two years after the accident), she did not engage an attorney to take her case before the Commission because she feared that such action would cause her sister who was employed by the same company to lose her job.

Although he was unable to work for six weeks as the result of injuries sustained when he slipped and fell while carrying a crate of lettuce, being knocked unconscious and suffering contusions of the head by the fall, an 19 year old clerk in a market was paid only \$3.21 compensation for three days disability. While still weak and suffering from severe headaches, he returned to work 10 days after the accident. After working for a few days, he requested a leave of absence as he felt unable to work on account of the acute headaches. During this absence from work he was under the care of a private physician at his own expense.

When asked why he did not seek additional compensation, he explained that the fear of losing his job was uppermost in his mind.

A 17 year old helper in a grocery store and meat market

suffered a large scalp wound when he fell down an elevator shaft. He was in a hospital for three days and under a physician's care for two weeks, was disabled for four weeks and did not feel well for many months. Although only \$7.50 compensation was paid, this boy refused to heed the advice of an attorney or the urgings of his family to seek more compensation. It seems apparent that he may have been entitled to additional compensation for temporary total disability and for disfigurement. According to his mother, he has been subject to headaches since the injury.

A 19 year old girl employed as a wrapper in a metal plating factory, sustained burns on the back, shoulders, arms, and face when a can of gasoline exploded near where she was at work. Hospital care for 25 days was necessary. Although she was scarcely able to use her right arm 44 days after the accident, the employer's physician pronounced her able to return to work. Her employer, however, refused to pay her more than \$39.64 compensation for 37 days temporary total disability, refused to permit her to return to work, and discharged her two sisters as well.

As she knew something of her rights under the compensation law from instructions given employees by her employer, she obtained a lawyer to take the case to the Industrial Commission. According to a statement she gave when interviewed in the course of this study, an arbitrator told her that if she were an actress so that scars would affect her presentability, she might expect compensation for disfigurement, but as that was not the case she could not.¹ Subsequently, arbitration proceedings were dismissed and a settlement contract drawn, which provided for the payment of \$175.00 in a lump sum for the 10 and one-half per cent loss of the use of the right arm. Of that amount, \$81.00 went to the attorney.

When interviewed in 1935, this young woman related that she has been unable to get a job since the accident because she can not pass the physical examinations due to her arm. The scars on her back, arms, and shoulder are permanent, while the face injury proved to be only temporary.

Reported failure to pay compensation.--There was no record in the Industrial Commission files of the payment of compensation to 11 injured minors. This fact, it was discovered through home interviews and other follow-up investigation, may be explained in two ways, either no compensation was paid or employers or insurers did not file receipts after payment and final settlement. For example, in the case of a fifteen year old boy who had been injured in a coal mine accident in 1933, no report of a settlement which was concluded in December, 1935 was filed until after May, 1936. After information regarding closure was given to the Accident Report Division by the author of this report, it requested and received final settlement reports and receipts from the insurer. In

¹In 1933 the Illinois Workmen's Compensation Act provided that compensation was payable for any serious and permanent disfigurement to the hand, head, or face.

another case of a seventeen year old boy, a settlement had been made but not reported to the Commission. This boy told an interviewer that his employer had paid him \$112.50 in lieu of a hernia operation which the Industrial Commission had ordered. The operation was performed at public expense in the Cook County hospital.¹ Neither the payment nor the operation was reported to the Accident Report Division. A number of other cases further illustrate carelessness in the administration of the law. Thus, when information was copied in the spring of 1935 from the files of the Industrial Commission, no record of the payment of compensation accompanied the accident report of a seventeen year old boy, who was injured while driving an automobile for a cleaning and pressing establishment in a Chicago suburb. His injury was described as a laceration above the right temple requiring 10 stitches, but there were no supplementary reports on file in 1935. When in August, 1936, an attempt was made to learn if any settlement had been made, no trace of the case record could be located in the Industrial Commission's files. A sixteen year old boy, who cut the blood vessels and the median nerve in the left wrist while operating a rotating slicer, was paid no compensation according to the records of the Industrial Commission. In an interview with this boy, it was learned that he was disabled for six weeks by his injuries, and had operations on the arteries of the wrist. His employer was not insured, but had paid him \$13.00 in addition to furnishing medical care. This case was marked non-compensable in August, 1936, by the Accident Report Division, although it was classified as a compensable and open case in 1935. There were no final settlement or other papers in the files.

For five other minors there were neither accounts of the extent of their injuries nor reports of payment of compensation in the files of the Accident Report Division. Early in 1936 their cases were still considered as "open" by the Industrial Commission. One of this number, an eighteen year old girl, was a punch press operator, whose address was not reported to the Industrial Commission. The accident report described her injury as laceration of the right index, middle, and ring fingers. Medical care was not furnished by the employer and no compensation was ever paid her. The insurance company reported to the Commission in January, 1935, that the girl had been notified on January 4, 1935,² to come to

¹See discussion on pp. 171-72.

²The accident occurred on August 12, 1933.

its office for settlement of compensation and that she failed to respond. A nineteen year old truck driver for a construction company fractured the middle phalanx of his left index finger. The accident report states the duration of disability was three weeks and that medical care was not furnished by the employer. No compensation was paid. A seventeen year old laborer sustained a laceration of the nose and was disabled for one week and three days. No compensation was reported. In 1936 the latter's employer wrote, in answer to the Accident Report Division's inquiry, that the compensation had not been paid to the boy because he had left his employment and his whereabouts were unknown.

Thirteen minors, who according to the settlement receipts filed with the Industrial Commission, were paid compensation for their disabilities, did not receive payment if information obtained in personal interviews with them is correct. Two of these thirteen minors were employed at "A Century of Progress" in 1933.¹ It may not be without significance that at least three of these thirteen young people to whom or for whom compensation was not paid were Negroes. According to his mother, a seventeen year old delivery boy was not paid \$6.43 compensation, but was furnished eye glasses by his employer, while another seventeen year old boy did not receive any of the reported \$22.50 compensation. Other cases illustrative of non-payment of compensation follow.

A laborer in a candy factory, who said he was 17 years of age but was reported as 18, was burned about the neck when a fellow worker accidentally turned on a steam hose while the boy was oiling a mogul-machine. In a home interview, this young worker stated that the injury had resulted in disfigurement and the \$2.18 reported compensation for temporary total disability had not been paid. Although he had received no compensation, this boy did not complain to his employer as he feared he would lose his job if he did.

Another 17 year old boy reported that he did not receive any of the \$272.14 compensation which he was awarded by an arbitrator. According to this boy his employer was insured. He thinks the employer received the compensation but did not give it to him.

A 17 year old Negro boy, who was employed as a diver in an "African Dip" concession at "A Century of Progress," injured his chest and neck when he stepped into an open trap door in the floor. He was disabled for two weeks and was reported to have been paid \$7.50 compensation. However, when

¹An insurance company physician related to a friend of the author of this report that "A Century of Progress" compensation cases were "gray" for the insurance companies. Of course, he was not speaking for publication.

interviewed this boy said that he knew nothing about his rights under the compensation law and that he had not received any compensation.

According to the accident report an 18 year old boy, on the first day of his employment as a poultry killer, cut fingers on his right and left hands with a knife. When he returned to his employment two days after the accident, he was discharged. Subsequently a settlement contract providing for the payment of \$35.00 was approved by the Industrial Commission. The boy's parents declared that no compensation was paid them or him and that a lawyer whom they consulted refused to take the case because the amount was too small.

If the interests of injured young workers, such as those whose experiences have just been described, are to be protected, the Industrial Commission must painstakingly make sure that awards are executed. For failure to pay compensation awarded the Workmen's Compensation Act empowers the Commission to require additional compensation equal to 50 per cent of the amount of the award¹ and to refer cases in which no compensation has been paid to the Attorney General.² The policy of the Commission is, however, to recommend, when cases of non-payment are brought to its attention, that the distressed employee apply to a court of record for the enforcement of the award. Thus, the initiative must be taken and costs guaranteed by the injured employee or his survivors. Why should the injured person have to incur the costs of collecting compensation through court action when the Industrial Commission knows that it is due him and has the authority to ask the Attorney General to take action when its awards are disregarded. Of course, in many instances the Commission may be unaware that payment has not been made because it does not routinely follow up cases in such a way as to secure the information. Frequently the injured person has no knowledge of his right to seek the help of the Commission and complaint by him is therefore not made. Moreover, he may have heard that the Commission does not assume responsibility for payment of awards.

Employment of Lawyers and Lawyers' Fees

Although it was hoped workmen's compensation would make unnecessary the employment of attorneys to secure the benefits of the law except in very unusual cases, the passive attitude of the Illinois Industrial Commission makes it necessary for the injured

¹Illinois Workmen's Compensation Act, sec. 19(k).

²Ibid., sec. 33.

to establish his rights under the law at his own expense. The attempt of the legislature to provide a simple and summary procedure understandable to all injured workmen has been defeated by the Illinois Supreme Court in a series of decisions which have made the hearings technical and legalistic.¹ For example, in a case concerning an unwitnessed accident which caused fatal injuries to a seventeen year old messenger boy the Court held:

In proceedings under the Workmen's Compensation Act the rules respecting the admission of evidence and the burden of proof are the same as prevail in a common law action for personal injury.²

The effect of this and other decisions has been to require the administration of a number of "arbitration courts" under the jurisdiction of the Industrial Commission before which as Dodd says

. . . . the trial of the compensation claim as in most actions at law, becomes largely a game of skill between opposing counsel, with the arbitrator acting as judge and ruling on attorneys' objections to the form or admissibility of certain evidence. The order of the trial is the same as at common law.³

Under such conditions attorneys become essential and an injured person who brings a case before the Industrial Commission for adjustment of a claim and does not employ an attorney has little chance of success.⁴ If he does employ a lawyer, he must pay him out of his meagre compensation. Incidentally, this necessity is illustrative of one of the many instances in which the burden of costs is shifted upon the backs of those least able to bear it.

Under the circumstances an injured person who contests a settlement offered needs a good lawyer, because the employers or insurers, as a rule, employ lawyers with long experience in compensation cases. And good lawyers cannot afford to practice before the Industrial Commission, with rare exceptions, unless they

¹A full discussion of their content and implications is given in Dodd, Administration of Workmen's Compensation, pp. 278-86; also refer to: T. C. Angerstein, The Employer and the Workmen's Compensation Act of Illinois (Chicago: Hawkins & Loomis Co., 1930), pp. 442-43.

²Chicago Daily News Co. v. Industrial Commission, 306 Ill. 212 (1923).

³Dodd, op. cit., p. 282.

⁴Interviews with 27 minors whose cases had been arbitrated revealed that 24 had lawyers. Of the 87 minors interviewed who made settlement contracts, 55 had lawyers and of the 74 interviewed who received lump sum payments, 51 had lawyers.

are well paid for their services.¹ Moreover, since the injured workman will, in most cases, be able to pay his lawyer only if he wins his case before the Commission, the lawyer takes the case as a "speculation" and often advances the fees of experts and other expenses. As a result one often finds that substantial percentages of compensation awards are, in effect, earmarked for attorneys in advance of awards or settlements. On this point, the Illinois Supreme Court has held that:

The payment of attorney fees for services incurred in procuring the award is a proper element that might reasonably be considered by the Industrial Commission in deciding upon the allowance of a lump sum payment, but the element is not controlling in the matter.²

Information concerning the employment of attorneys secured in interviews with 530 Cook County minors who were injured in 1933 showed that 98 (18.7 per cent) had retained lawyers to represent them in their efforts to collect compensation due them. Eight of the 11 injured minors who were fourteen years of age or under had employed lawyers, as Table 30 shows. Information concerning legal costs secured for 69 young persons is found in Table 31. In 9 cases where only legal advice was sought, no fees were charged. In 20 cases the minors were unable, when interviewed, to recall accurately the amount paid to their attorneys. Fifty-five of these 69 young persons made agreements regarding fees with their attorneys when they engaged them--12 for flat amounts and 43 for contingent fees. In these 55 cases the fees averaged 25.2 per cent of the compensation. In the 12 cases in which a flat rate was agreed upon, 19 per cent of the compensation received was paid in attorney fees. The average payments by the 43 who made prior agreements to pay the fees on a contingent basis was 28.9 per cent of the gross compensation granted, the range being from a low of 17.9 per cent to a high of 48.9 per cent of the compensation awarded.

Some examples of the high cost of employing attorneys are:

A minor was mailed two checks by the insurance company, one for \$500.00 payable to his attorney and one for \$700.00 pay-

¹Mr. Daniel D. Carmel, assistant Attorney General assigned to the Industrial Commission, when interviewed in 1936, was convinced that this was true and, therefore, necessary in view of the decisions of the State Supreme Court.

²The Illinois Zinc Co. v. The Industrial Commission, 355 Ill. 253 (1934); Goelitz v. Industrial Board, 278 Ill. 164 (1917).

TABLE 30

NUMBER OF INTERVIEWED MINORS OF SPECIFIED AGES INJURED
IN WORK ACCIDENTS IN ILLINOIS IN 1933 WHO RETAINED
LAWYERS TO PROSECUTE THEIR COMPENSATION CLAIMS

Age	Minors Interviewed		
	Total	Who Retained Lawyer	
		Number	Percentage
Total.....	530	98	18.7
Under 14 years.....	5	4	80.0
14 years.....	6	4	66.6
15 years.....	8	1	12.5
16 years.....	33	8	27.3
17 years.....	76	17	28.3
18 years.....	128	16	12.5
19 years.....	150	29	19.3
20 years.....	100	13	13.0
Over 20 years.....	24	6	25.0

TABLE 31
AMOUNTS AND PERCENTAGES OF THEIR COMPENSATION PAID TO
LAWYERS BY EMPLOYED MINORS INJURED IN ILLINOIS IN
1933, ACCORDING TO TYPE OF FEE-AGREEMENT
ENTERED WITH LAWYERS

Type of Fee-Agreement with Lawyers	Number of Minors	Amount and Percentage of Com- pensation Paid to Lawyers		
		Total Compen- sation	Amount to Lawyers	Percentage to Lawyers
Total ^a	69	\$26,113.79	\$6,599.91	25.3
Agreement for fees.....	55	24,003.34	6,057.94	25.2
Flat rate.....	12	8,864.09	1,680.00	19.0
Contingent.....	43	15,136.25	4,377.94	28.9
15 per cent.....	2	1,319.28	236.77	17.9
20 per cent.....	3	1,707.77	285.00	16.7
25 per cent.....	9	4,276.43	1,102.51	25.8
30 per cent.....	1	200.00	60.00	30.0
33 1/3 per cent.....	21	6,208.93	2,090.60	33.7
40 per cent.....	1	450.00	180.00	40.0
50 per cent.....	4	461.34	225.56	48.9
Percentage not re- ported.....	2	512.50	197.50	38.5
No agreement for fees....	13	1,994.52	523.97	26.3
Type of agreement not re- ported.....	1	118.93	18.00	15.1

^aThis table includes only those cases in which the amount paid to the lawyer was reported. Excluded also are cases in which the lawyer gave advice only and made no charge.

able to himself, as the amount due him from a \$1,742.78 lump sum settlement after the insurance company deducted certain medical costs.

A girl paid \$480.00 attorney fees, in addition to \$100.00 to a friend who secured the attorney for her, out of her \$1,500.00 lump sum settlement.

Of the \$750.00 paid in a lump sum to a 19 year girl, \$175.00 was used to pay attorney fees.

Of a lump sum settlement of \$175.00 a girl received only \$94.00 from her lawyer who was recommended by a lawyer friend of her mother. Thus, \$81.00 (46.3 per cent) of the compensation which the lawyer assisted this girl to get went to him for fees.

Fifty per cent of the compensation was exacted for attorney fees in cases in which the gross amounts of compensation were: \$150.00, \$100.00, \$90.00, and \$33.00.

While some highly qualified lawyers earn their fees, inefficient and unscrupulous lawyers--usually called "ambulance chasers"--collect excessively high fees in view of the services rendered.

A lawyer, who had estimated that his fee would be \$15.00, took \$40.00 of the \$75.00 accrued compensation in an award of \$97.50. This lawyer has a physician, who testifies almost daily at the Industrial Commission, appear at the arbitration hearing. Later the minor was told that \$25.00 of the \$40.00 had to be paid this expert witness. The boy vigorously objected to the payment of so large an amount, but did not know of his right to bring the incident to the attention of the arbitrator. The lawyer gave the minor business cards, asking him to pass them out to friends, but they were promptly thrown away because the boy said he did not wish to give his friends a "bum steer."

A settlement contract for a lump sum settlement for \$125.00 superseded an arbitration award which ordered the employer to provide an operation for the correction of a double hernia. Of the \$125.00 compensation, the lawyer got \$65.00. When interviewed the boy was bitter, because he thought the lawyer was responsible for the lump sum payment arrangement. He thought the lawyer must have gotten "a big rakeoff" in addition to what was to the boy a large fee for settling his case so disadvantageously to him.

When an 18 year old girl was unable to work due to her injuries and her employer refused to pay the compensation due, her family had to apply for relief. Attorneys secured through the relief agency brought the case before the Industrial Commission and secured a \$470.00 lump sum settlement. However, they exacted a fee of \$191.00 plus an additional \$75.00 for a medical examination and testimony at the hearing. Thus, \$266.00 of a \$470.00 settlement awarded a girl who with her family was receiving relief went to attorneys. Money which might have been used for maintenance of the family went to lawyers and the ultimate burden rested upon the public agency.

A girl 18 years of age, the sole wage earner in a family

of seven members, was incapacitated for work due to an industrial accident and her family had to apply for relief. According to the girl, the relief agency referred her to an attorney in the hope of getting a settlement. She understood that the family would not have to pay him. Before this attorney filed the case, according to the Industrial Commission's records, \$10.71 had been paid her for temporary total disability. The mother denied that this amount had been received. The record of the arbitration shows that the arbitrator refused to grant additional compensation. The mother related, however, that the lawyer was smiling at the conclusion of the hearing, as though he was very well pleased with the result. She heard him say to the insurance company's representative, "the rest is between you and me." She is sure that the lawyer got money out of it and she told the interviewer that she would like nothing better than to shoot him, even if she had to spend the rest of her life in prison.

Lawyers, representing a 19 year old boy, filed a petition for adjustment of his claim in which 190 weeks compensation for the complete loss of use of the left leg was asked. In this case the petition was dismissed before a hearing was held. The lawyers had agreed to accept the case for a 50 per cent fee. When interviewed, the boy was surprised to learn that \$22.50 for three weeks temporary total disability was reported paid to him. The lawyers told him they could get only \$10.00 of which they gave him \$5.00. Apparently they kept \$17.50 (77.8 per cent) of the \$22.50 for themselves.

Lawyers are often engaged by minors for so-called "routine-agreement" cases, which to all appearances and to the knowledge of the Industrial Commission are agreed to by employers and employees without resort to lawyers. Of the 98 minors included in this study who had attorneys, 19 engaged them for routine-agreement cases. Because there is no requirement that the participation of attorneys be reported to it, the Industrial Commission does not become aware of the activity of attorneys in most cases which appear on their face to be routine-agreement cases. Perhaps it should have such information if it is to prevent unnecessary payments to lawyers. However, a better agreement can undoubtedly be obtained if a lawyer is employed because the injured minor, ignorant of his rights, is a poor bargainer.

The following accounts illustrate the use and payment of attorneys in routine-agreement cases involving minors injured in 1933.

When one of the injured minors returned to work more than nine weeks after his accident, his employer offered him a check for \$10.00 as the final weekly payment and asked him to sign a receipt closing his claims against the employer. The boy refused to sign because a friend had advised him that he was entitled to additional compensation. He was immediately laid off, although the factory was busy at the time, and was never recalled. Through the efforts of an attorney compensa-

tion was secured for the full period he was unable to work and an additional amount for the loss of the use of the right hand, amounting altogether to \$325.71--one-third of which went for his lawyer's fee.

At the time of his injury a 13 year old Italian boy was told by the caddy-master of the golf club for which he worked that if he would "keep still" the medical bills incident to his injury would be paid, but that if he didn't he could not have his job again. The boy's mother feared at the time that the boy, who had been struck in the face by a golf ball, might lose the sight of one eye. When the employer made no visit to the home and no gesture concerning compensation, she engaged an attorney. The attorney obtained \$115.00 as compensation but turned over only \$75.00 to the mother, thus taking 34.8 per cent of the compensation instead of the 20 per cent for which he agreed to take the case. There is no record of the appearance of any of the parties before the Industrial Commission in this case, or of any formal approval of the "agreement" by the Commission.

A 17 year old boy engaged an attorney in an "agreement" case, who came to his home and promised he would get more money for him than the employer was willing to pay. When interviewed, this boy did not know how much compensation was paid him because the attorney collected it and turned over to him only part of what he collected. The boy thinks, however, that the lawyer cheated him, but he could not cite any figures regarding how much the lawyer collected or took as his fees. The employer refused to rehire the boy and he has been unable to get work since the accident. The report filed with the Commission showed compensation was paid for the 40 per cent loss of the use of the left middle finger, for the 15 per cent loss of the use of the left ring finger, and for five weeks temporary total disability, a total of \$170.62.

A 19 year old truck driver engaged a lawyer, when the employer's doctor pronounced him ready to return to work. The lawyer through an agreement with the employer, or the insurer, made without resort to the Industrial Commission, obtained \$187.22 compensation in addition to \$60.00 which had been paid for eight weeks temporary total disability before the lawyer entered the case. According to the boy, \$187.22 was paid in a lump sum, although there is no record of it at the Commission. The lawyer received \$75.00 for fees and costs.

After receiving four weekly payments at \$7.50 per week for temporary total disability, an injured boy engaged a lawyer who obtained an additional \$25.00 in payment for the partial loss of the left thumb. The lawyer took \$10.00 for his fee.

Other minors reported that they paid their lawyers out of the compensation received in so-called routine-agreement cases the following amounts: \$16.07 out of \$33.21; \$14.38 out of \$57.50; \$27.50 out of \$112.50; and \$15.00 out of \$50.00. The amounts of compensation given above are the total amounts which the minors reported they received but which may not have been the amounts obtained for them by their attorneys.

When interviewed the minors were asked how they had ob-

tained attorneys. Of the 98 who had attorneys, 35 reported that friends or neighbors had recommended them; 18, that the lawyer was a family friend; five, professed personal acquaintance with the attorney; three obtained them through the Chicago Legal Aid Bureau and two, through relief agencies. Others were referred to attorneys by a company law office, an employer, the son of the employer, a doctor, and a notary at a police station. One minor engaged a lawyer whom he had heard speak over the radio.

Employees of the Industrial Commission seem aware that insurance company lawyers, upon learning of certain injuries or of the filing of petitions for adjustment of claims, inform their lawyer friends, who then solicit the injured person's case. When such cases are concluded, the fee charged the injured person is split between them. This practice may influence the amount of the fee and of the compensation. According to Dodd some employees of the Industrial Commission have engaged in the practice of telling their lawyer friends about injured persons who had filed claims and have split fees exacted by these attorneys.¹ While in the following case no information was obtained as to the splitting of the legal fee, it does illustrate how employees of the Commission may refer injured workers to their lawyer friends.

One boy told an investigator that a clerk at the information desk at the Industrial Commission referred him and his father to an attorney who they thought had his office in one of the Commission's rooms. This attorney agreed to take the case for a 15 per cent fee. However, the boy's compensation, ordered paid in a lump sum, was given him in two checks; one for \$300.00 was made payable to him while the other for \$100.00 was made payable to the attorney. Thus the attorney's fee was increased by 10 per cent without the boy's consent, but apparently after some understanding between the lawyer and the insurance company.

Other ways in which injured employees obtain lawyers are set forth by Dodd, as follows:

Some of the lawyers engaged in compensation practice in the Chicago district employ agents or "runners" to solicit business for them. These runners are scattered about the Loop in Chicago and are particularly active around the building in which the commission has its offices, where they accost injured workmen and make extravagant promises as to the awards they can obtain. The runners also infest coroners' inquests and some succeed in reaching agreements with doctors, nurses, and hospital interns, through whom they secure compensation cases. Some lawyers obtain clients through advertising in foreign language newspapers. . . .²

¹Dodd, op. cit., pp. 279-80.

²Ibid.

Aside from the case described above no young person injured in 1933 reported having obtained an attorney in any of the ways described by Dodd.

An amendment to section 16 of the Workmen's Compensation Act, which was approved July 8, 1933, provided that:¹

The board shall have the power to determine the reasonableness and fix the amount of any fee of compensation charged by any person, including attorneys, physicians, surgeons and hospitals, for any service performed in connection with this Act, or for which payment is to be made under this Act or rendered in securing any right under this Act.²

This amendment will not correct entirely existing abuses for while the Industrial Commission is empowered to fix fees in individual cases, the law does not seem to give to the Commission power to establish a general limitation upon fees charged by attorneys. If the Commission has such powers under section 16, it has not used its authority. Protection against unscrupulous attorneys still seems to be a matter of employee initiative. For reasons which have already been given protection should originate with the administrative agency. In this connection it should be noted that the Illinois Industrial Commission does not require routine reports on payments made to lawyers and does not inform the injured employees that it has power to fix fees. For the most part they are absolutely ignorant of this provision in the Workmen's Compensation Act. The posting of placards in the hearing rooms informing injured persons in plain, unmistakable terms that lawyer fees may be fixed by the Industrial Commission, or direct mail notifications concerning rights emphasizing the absence of the need for attorneys in many cases would go far toward serving the interests of injured workers. However, neither device is employed by the Illinois Industrial Commission. Therefore it would seem that specific limitations by statute of the contingent percentages and of the amounts which lawyers may receive in compensation cases may be more desirable, than are general empowering laws, but most administrators prefer general rather than specific

¹Dodd seems to have overlooked this amendment, for he relates his discussion to paragraph (c) of section 19 of the Act which as he says provides that "fees are subject to review by the Commission 'upon request of either the employer or the employee or the beneficiary affected.'" Dodd, *op. cit.*, p. 308. He is quite correct in stating that "neither this clause nor its application affords material protection to the claimant." *Ibid.*

²Illinois Session Laws, 1933, pp. 596-97.

powers.¹

The circumstances in two cases in which attorney fees were fixed by arbitrators are described below. There are no records of these incidents in the files of the Industrial Commission; so the descriptions are based entirely upon information obtained in interviews with the affected minors.

In one case the arbitrator set the attorney's fee at 20 per cent for a lump sum settlement for \$100.00, but the lawyer insisted upon 40 per cent when he received the compensation as the minor's representative. The boy's mother returned to the arbitrator, who this time approved a compromise fee of 35 per cent.

A lawyer agreed to take a case for a 25 per cent fee, agreeing to pay the costs out of his fee. When an arbitration award of \$531.40 was superseded by a settlement contract and lump sum settlement of \$425.00, it was agreed before an arbitrator that the attorney's fee would be \$100.00. The arbitrator urged this, according to the minor, because the settlement contract reduced the award considerably. Later, however, the attorney told the minor that the witness fees paid to physicians amounted to \$76.00, and asked the minor to share equally with him this cost. Thus, the minor paid \$138.00 to the attorney for fees and costs.

In Massachusetts attorney fees are subject to the approval of the Accident Department and, according to Dodd, when the fee is inquired into by some members of the board, it is very seldom that over 10 per cent of the total amount of the award is allowed.² Under the rules of the New York State Industrial Board, made under its statutory right to pass upon all fees paid to claimants' representatives, a fee commensurate with the services rendered "and having due regard for the financial status of the claimant" is allowed to his counsel or representative.³ As in Massachusetts, the maximum amount usually granted when the representative has done considerable work is 10 per cent of the award.⁴

The Wisconsin compensation law goes further than either the Massachusetts or the New York laws. It empowers that state's industrial commission to limit fees and provides that no fee shall exceed 10 per cent of the amount of compensation or \$100.00 unless the commission authorizes a larger amount.⁵ The Wisconsin law

¹Descriptions of the provisions relating to attorney fees in the compensation laws of Massachusetts, New York, Ohio, and Illinois are given by Dodd, op. cit., pp. 263, 273-74, 294-95, 308-309.

²Dodd, op. cit., p. 263. ³Ibid., p. 274. ⁴Ibid.

⁵Wisconsin Session Laws, 1935, chap. 465, p. 727.

also provides that compensation which exceeds \$100.00 shall be paid directly to the injured employee¹ and that an attorney who receives fees in violation of these provisions shall pay to the Commission double the amount collected by him and the Commission shall pay the amount of the overcharge to the claimant.¹

This type of provision is certainly in the interest of injured employees and is, therefore, highly desirable. However, that it would be equally useful in Illinois, where the administrative procedure has been so fixed by court decisions that it has become judicial in character and where the administrative organization and personnel do not measure up to the exemplary standard set by Wisconsin, may be questioned. The administration being what it is in Illinois due to Supreme Court opinions and other reasons, it is contended that employees who need good attorneys will not get them if the fees are restricted as they are in Wisconsin. Therefore, even the persons friendly to employee interests argue there should be no statutory fixing of fees in Illinois. It becomes apparent, then, that general revision of the statutory provisions for the administration of the Workmen's Compensation Act is needed if protection in the matter of attorney fees is to be achieved for injured persons in general and for injured minors in particular. New legislation must assure a simplification of the practice in compensation proceedings, the limitation and supervision of doctors' and lawyers' fees, and a better control of lump sum awards.² Other very helpful provisions would be assistance by investigators of the Commission to injured employees in understanding their rights and presenting their claims to the Commission and the organization of a legal clinic operated at costs which would take compensation cases. Labor unions may do as the United Mine Workers of America has done in Illinois, provide legal service for their memberships and thereby solve many of the problems herein discussed. The Federation News, official weekly of the Chicago Federation of Labor, offers its readers (members of organized labor) "free advice" on workmen's compensation cases of industrial injury. Charles F. Wills, advertising and circulation

¹Wisconsin Statutes, 1933, 102.26.

²Dodd, op. cit., pp. 312-13, offers these solutions.

The Illinois Industrial Commission in Rules Governing Practice and Procedure (1934), Rule No. 20, declares that it will discipline attorneys or agents practicing before the Commission or any arbitrator for disorderly or contemptuous conduct.

manager of this publication and former member of the Illinois Industrial Commission, is the dispenser of this "free advice." Inquiry at Mr. Wills' office revealed that he either personally advises injured employees on compensation matters or refers them to certain lawyers. There are no direct charges for his services, but the basis of his relationship with attorneys was not determined. The United Mine Workers of America arrangement would seem the more desirable of these two plans, but neither offers protection to minors since they are usually not trade union members.

CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

Summary of Findings and Conclusions

Minors Injured in Work Accidents in 1933

Information concerning minors injured in work accidents in Illinois in 1933 was obtained from the accident records in the files of the Illinois Industrial Commission and in home interviews with 530 Cook County young employees.

In 1933, a year of very depressed employment, 1,233 young persons under the age of twenty-one years were the victims of industrial accidents in Illinois of sufficient seriousness to require employers to report them to the Industrial Commission and to pay compensation. Ten of these young people were fatally injured, 298 suffered permanent injuries, while the others were disabled for work from several days to longer than a year. The hands and fingers of 68 boys and girls were amputated, 19 losing two or more fingers, and 2 losing whole hands. Four suffered the loss of an eye or the loss of its use. The leg of one fifteen year old boy was amputated.

Of these 1,233 minors, 61.2 per cent lived in Cook County, mostly in Chicago. Seventy-four per cent of all injured minors were boys. According to the employers' reports to the Industrial Commission, 138 of these young persons were under eighteen years of age, 21 of these being under sixteen. As employers as a rule report minors older than they are, these figures are likely inaccurate. In fact an estimate of the ages of all injured minors based upon the distribution of the corrected ages of Cook County minors (determined after interviews and other follow-up) indicates that probably twice as many young workers injured in 1933 were really under eighteen than were reported to have been by employers and insurance companies.

Of the 1,233 injured minors 48.8 per cent were employed in manufacturing, 23.2 per cent in the retail trades, 7.5 per cent in domestic service, and 7.2 per cent in the extraction of min-

erals. Fifty-seven per cent of the 298 young workers who suffered permanent injuries were employed in manufacturing and 19.1 per cent of them were in trades. However, while 35.2 per cent of the young employees injured while working in the extraction of minerals suffered permanent partial disabilities, only 28.4 per cent of those injured in manufacturing and 20.3 per cent of those injured in occupations in the retail trades were injured that seriously.

Machinery was the most frequent cause of the 1,233 injuries, being responsible for 26.3 per cent. Handling objects caused 18.5 per cent of all injuries; falls of persons, 11.3 per cent; and vehicles, 10.6 per cent. Machinery was responsible for 51.3 per cent of all permanent injuries and for 33.1 per cent of all injuries resulting in temporary total disability extending longer than thirty-one days. Vehicular accidents resulted in four deaths, a high percentage of permanent injuries, and in injuries disabling their victims for long periods.

Minors and the Compensation Law

Employments not covered by the compensation law.--Agricultural occupations are expressly excluded by the Workmen's Compensation Act from its provisions. As this exclusion makes it unnecessary for employers of agricultural labor to report accidents occurring to their employees, it becomes very difficult to determine the extent to which accidents occur in the occupations that come under that category. However, it is well known that the character of agricultural work has undergone changes since workmen's compensation laws were first enacted, as power machinery and electrification have been introduced. These demand a new consideration of the dangers to life and limb in agriculture that begin to approximate what these are in the factory.

Most newsboys are excluded from Workmen's Compensation Act.¹

The basis for computing compensation.--Compensation awarded injured minors in Illinois is adversely affected by the low basic rate--50 per cent of the average yearly earnings--that is provided by the Workmen's Compensation Act. Higher percentages are provided for the computation of primary compensation by the compensa-

¹See discussion on pp. 28, 244, 245.

tion laws in thirty-two states, i.e., Wisconsin 70 per cent.¹

Moreover, the Illinois law makes no provision for the determination of compensation for injuries on the basis of the probable future earnings of minors as do the laws of New York, Ohio, Wisconsin, and ten other states.² Section 10 (c) of the Illinois Act which might be interpreted to make allowance for the probable future increase in the earnings of a minor is not so used by the Industrial Commission.

Injuries not provided for.--Compensation is not awarded for the partial loss of hearing in one or both ears by the Industrial Commission because it construes section 8 (16 1/2) of the Workmen's Compensation Act to mean that compensation should be paid only when the loss of hearing in one of both ears is full and complete. In this interpretation the Commission departs from its policy of awarding compensation for the percentage loss of a body member or the percentage loss of its use.

The Workmen's Compensation Act makes no provision for compensating the loss of certain internal organs, i.e., the spleen. This lack worked hardship on a messenger boy whose spleen had to be removed as the result of injuries suffered in an automobile accident. Insurance companies have since considered him a bad risk. He was compensated only for time lost from work, although he really is permanently injured.

Reporting of accidents.--The Illinois Workmen's Compensation Act requires employers covered by the Act to report only compensable accidents--those resulting in death, permanent injury, or temporary disability of longer than seven days. No reports are required for accidents in employments not covered by the compensation law. As a result of this system of reporting no knowledge of the extent of industrial accidents in Illinois is available for a preventive and corrective program. Moreover, minors may easily be taken advantage of as they may not know their rights and may be coerced to accept little or nothing.

Under the Illinois Act physicians are not required to file reports of medical findings with the Industrial Commission. Employers and insurance companies are not required to file separate reports, although this has been found helpful by compensation com-

¹See discussion on pp. 15 ff. and 26 ff.

²Ibid.

missions in other states for detection of violations of the compensation law.

Queries on the accident report form prescribed by the Industrial Commission, relating to such important items as the extent of disability, the nature of the injury, the duration of disability, and the age of minors, often are not answered or incorrectly answered by employers and insurers.

Illegally Employed Minors

The rate of extra compensation.--The Illinois Workmen's Compensation Act gives minors injured while illegally employed the right to receive compensation in accordance with its provisions or to sue for personal damages in the courts. The amount of primary compensation payable to illegally employed minors or their beneficiaries is increased by 50 per cent. This rate of extra, or penalty, compensation provided by the Illinois law is lower than that provided by the compensation laws of a number of other states. Thus, in Alabama, Maryland, Michigan, New Jersey, Pennsylvania, and New York the amount of extra compensation is 100 per cent of the primary compensation; and in Wisconsin, it is 100 per cent for employment in violation of the permit provisions and 200 per cent for employment in violation of the minimum age requirements.

Administration of the extra compensation provisions.--As the Workmen's Compensation Act does not state that the employer must pay the additional compensation, enforcement of payment of extra compensation is difficult and the administration ineffective. The lack of a centralization of responsibility for the issuance of employment certificates accentuates the problem of investigating the age and permit status of injured minors--a procedure necessary to determine the legality of employment and hence of eligibility for extra compensation. These statutory omissions and organizational weaknesses have been accompanied by administrative inefficiency. Thus, the local permit issuing officers did not file duplicates of the employment certificates issued by them with the Factory Inspection Division as they are required to do by the Child Labor Law. This Division of the Department of Labor not only neglected to require all of the local officials to comply with the law, but did not keep a proper file of the duplicate work permits that were sent to it.

Since early in 1933, the Industrial Commission has had no machinery for the investigation of the ages or the legality of the employment of injured minors and as employer and insurance company reports of these items are frequently unreliable, it has been without the information needed for the administration of the extra compensation provisions of the Workmen's Compensation Act. Findings in this study show that the employers' reports of the ages of minors were often incorrect and that reliance either upon them or upon mail inquiries alone in any follow-up is inadequate. Thus, a comparison of the ages obtained in interviews with 530 Cook County minors with the ages reported by employers and insurers to the Industrial Commission revealed that the ages were dissimilar in 41.9 per cent of the cases, the ages found in the interviews being lower in 30.8 per cent of the cases than those reported by employers.

Nine of the 12 injured minors who were found in the course of this investigation to have been illegally employed were not awarded the extra compensation to which the law entitles them, probably as a result of this lack of special administrative machinery. Extra compensation that was awarded to three children by the Industrial Commission was paid to only one of them.

The Child Labor Law and extra compensation.--Fundamentally, the Child Labor Law and the extra compensation provisions of the Workmen's Compensation Act have complementary objectives--protection of children from the hazards of employment. However, as extra compensation is awarded only to those minors who are injured while employed in violation of the Child Labor Law, the latter should be recognized as the primary protection of children and youth. While this investigation shows that the Illinois Child Labor Law was effective in keeping to a minimum the number of children exposed to accident hazards in the employments to which its provisions apply, it also revealed the need for an extension of the law's present all too narrow scope. Thus, in 1933 the number of accidents increased markedly in the employments and the age groups not covered by the Child Labor Law. For example, while many of the accidents in manufacturing--hazardous occupations in which are prohibited by law to children under sixteen--were suffered by young people sixteen and seventeen years of age, few occurred to children under sixteen. Approximately one-half of these young factory workers aged sixteen and seventeen were injured in

accidents caused by machinery, metal working machines being an especial hazard. Many lost fingers, while others suffered permanent injuries that have handicapped them in their attempts to secure employment. For example, one boy who had chosen the occupation of city fireman for his life's employment is unable to qualify because he had his fingers cut off in a factory accident.

Employments in the retail trades are only partly covered by the provisions of the Child Labor Law, the occupation of newsboys being one important omission. Sixty per cent of all the accidents to children under sixteen years of age in 1933 occurred to those employed in trades, 5 of these being under fourteen and 6 fourteen years of age. Newsboys of eleven, twelve, and thirteen years were the victims of serious work accidents in Illinois in 1933, partly because they are not protected by the law. Moreover, according to the Attorney General of the State of Illinois,¹ injured newsboys do not come under the Workmen's Compensation Act unless they enter a contract of employment with the newspaper publisher. And as employers are not required to report non-compensable accidents, it is probable that many more newsboys are injured than come to the attention of the Industrial Commission.

Four of the 10 deaths and a high percentage of permanent injuries suffered by all minors injured in 1933 were caused by vehicular accidents, a growing hazard to life and limb from which the Child Labor Law offers children no protection. Younger children, i.e., those fourteen years or younger are the especial victims of vehicular accidents--newsboys being exposed more than those in other occupations.

Children under sixteen and under fourteen years of age employed as newsboys and caddies in 1933 suffered serious injuries. One thirteen year old boy was killed by an automobile at 11 p.m., while others suffered the loss of eyesight, broken legs, and fractured skulls. Facts show the falsity of the ruling of the Illinois Supreme Court that caddying was work of "a harmless character" for children under fourteen years of age. Protective legislation for this group is needed.

Payment and Collection of Compensation

Compensation amounting to \$119,851.23 was reported paid to 1,223 of the 1,233 minors who were injured in industrial acci-

¹ See pp. 28, 244-245.

dents in Illinois in 1933.

According to the records of the Industrial Commission no compensation was paid to 10 minors whose injuries were adjudged compensable by the Accident Report Division of the Commission.

Four young workers were paid compensation at a rate less than that of \$7.50 per week provided by the Workmen's Compensation Act.

The surviving parents of three minors who were fatally injured, according to the Commission records, were not paid the minimum of \$1,000.00 compensation as provided for partially dependent survivors by section 7 (c) of the compensation law. In two of these cases the Industrial Commission in approving payment of less than the statutory minimum failed to interpret the law strictly or did not follow decisions of the Illinois Supreme Court as to what constitutes dependency when the deceased employee is a minor.

In other cases, young people were dismissed when injured or when they attempted to collect more compensation than was offered them by employers of insurance companies; misrepresentations were made concerning the permanence of employment by insurance adjusters, and compensation was not paid in accordance with the awards of the Industrial Commission.

Investigation of the experience of young workers in their efforts to collect compensation revealed how employers and insurance carriers seek to evade their responsibilities and by various means induce these victims of industrial accidents not to insist on their rights. Moreover, some employers made compromise settlements with several minors without reporting their action to the Industrial Commission.

In cases of non-payment of compensation the initiative must be taken and the costs of court action guaranteed by the injured employee or his survivors, as the Industrial Commission prefers the policy of referring the distressed employee to a court of record for enforcement to that of requiring payment of additional compensation as a penalty and referring the employer to the Attorney General for prosecution.

Lump Sum Payments

Although the payment of compensation in lump sums instead of in periodic installments is recognized by compensation authorities as a deviation from the methods most likely to achieve the

purposes of the Workmen's Compensation Act, the Illinois Industrial Commission approved this form of settlement for 10.5 per cent of all minors injured in 1933 for whom there was a record of payment. These 128 minors or their beneficiaries received 39.8 per cent of the total amount of compensation awarded to all 1,223 injured minors.

The Illinois General Assembly in providing for the use of the lump sum method enacted certain safeguards. One of these requires that lump sum payments must have the approval of the Industrial Commission upon proper showing that it is to the "best interests" of the parties. The Illinois Supreme Court has interpreted this provision to mean that: (1) the Industrial Commission must have evidence that it is to the "best interests" of the party applying for a lump sum payment and not injurious to the other party, (2) it must have showing of the reasons why a lump sum is desired, and (3) it cannot commute compensation to a lump sum for the express purpose of the payment of debts. Nevertheless, it was found in the course of this investigation that: (1) no stenographic or other detailed record was kept of the evidence on which the Industrial Commission based its approval of the lump sum petitions filed by minors, (2) reasons given on the petitions for lump sum payments did not in some cases comprise a complete sentence, (3) the reason stated on the petitions of 67 minors for lump sum settlements was the payment of debts.

Ten per cent of the minors injured in 1933 agreed to settlement contracts providing for lump sum payments, which bars further consideration of a case for any reason whatsoever except fraud. Information obtained in interviews with Cook County minors revealed that this form of settlement had been carelessly approved by the Industrial Commission and was a definite hardship for a number of young employees. One flagrant illustration is that of a girl who settled in this manner only eight days after an insurance company doctor had told her that a six months period was necessary before the permanent condition of the tendons in her right arm which had been injured in a work accident could be accurately determined. Other young people had to pay hospital and doctor bills for the treatment of injuries that were not healed when this type of settlement was approved by the Commission.

How Minors Spent the Compensation

Any potentialities that lump sum payments might have for

serving the "best interests" of young employees are considerably diminished by the lack of provision in the Illinois Workmen's Compensation Act for supervision of the expenditure of compensation awarded injured minors. A State Supreme Court decision has made it clear that neither the Industrial Commission nor the courts could protect compensation funds under the existing statute, except possibly through the appointment of a guardian by the court. While this is the long established method of handling the property of minors, experience shows that after the appointment of a guardian the court exercises little or no supervision unless evidence of neglect is brought to its attention. Information obtained in the course of this study showed the need for administrative supervision. For example, of the 17 Cook County cases in which \$500.00 or more was paid in lump sums, compensation had been completely spent two years after the accident in all except three cases.

Only 7 out of 479 minors had used some portion of the compensation money they received for education or training. Of the others from whom information was obtained as to the use of compensation, 53 per cent stated that their compensation had been spent for current family expenses, while 43.8 per cent had used it for their own needs and desires.

Medical Treatment

Adequacy of medical treatment.---The Workmen's Compensation Act requires that medical care for the victims of industrial accidents be given by the employer. In practice this service is rendered by their insurance carriers. The findings of this investigation show that it was often inadequate. Two deaths resulted from the failure to provide prompt and adequate medical treatment, one fifteen year old boy having bled to death from a knife wound in his leg. Infections, usually indicative of neglect or failure to provide proper medical care, occurred in 10.8 per cent of all the 1,233 cases and one resulted fatally. Permanent injuries, such as stiff fingers and disfigurement, resulted in a number of cases in which treatment was given by fellow employees and company nurses.

The Cook County hospital provided medical and surgical treatment lasting from one to 209 days for seven minors, for which it has not been reimbursed by employers or insurance carriers. Several young employees went to the Cook County hospital because their employers refused to provide medical care. In one case a boy

was given an operation there for the correction of a hernia, after the Industrial Commission had ordered the employer to provide such an operation.

Other young employees engaged private physicians when the insurance company doctors were unsuccessful in or terminated treatment before recovery was complete. For example, one boy was under a private physician's care for three months after the insurance company's physician had discharged him with a remark to the effect that as he was not being paid for further treatment, he could not continue to care for the boy.

Reporting of medical findings.--The accurate reporting of medical items is of great importance because compensation depends upon the extent and character of the injury. In a number of cases, however, medical reports furnished the Industrial Commission were inaccurate or inadequate. No reports were made to the Industrial Commission as to the extent of disability in 12 cases, the duration of disability in 28 cases, and the nature of injury in 37 cases. Of the 530 Cook County minors interviewed, 208 stated that they were disabled for longer periods than were reported by employers or insurance companies to the Industrial Commission, while many described their injuries as of a different nature and more severe than the accounts furnished the Commission showed them to have been. These discrepancies may be due to the failure of the Workmen's Compensation Act to require reports from physicians, except in cases of eye injuries or compromise settlements, and to administrative carelessness.

The professional qualifications of the physicians.--A special investigation of the qualifications of 131 physicians who treated 251 Chicago minors revealed that: one of these physicians was without a license to practice medicine in the State of Illinois, one was a "Dr. Smith" whose address was reported to be on the sixth floor of a Chicago loop hotel but who could not be located, 29 had graduated from inferior medical schools which have been since closed, 37 had received their medical education in schools rated B and C by the American Medical Association, 47 had not served as internes, only 27 were classified as specialists by the American Medical Association, 20 were not members of the American Medical Association, 25 were not members of either the Chicago Medical Society or the Illinois Medical Society.

The Minors' Knowledge of Their Rights

Of the 530 Cook County minors interviewed, 51.7 per cent reported complete ignorance of their compensation rights at the time of injury. About one-half of those who reported having any knowledge of their legal rights got it from their employers or fellow employees. Beyond the publication of a placard which employers are required to post conspicuously in their places of employment, the Industrial Commission did not in 1933 and does not at this writing have a program for employee-education as to the benefits under the compensation law. Neither does it attempt, as does the Wisconsin Commission, to acquaint every injured employee with the Commission's functions and invite him to call upon it for assistance by means of a letter sent upon receipt of the employer's report of the accident. This passivity on the part of the Illinois Industrial Commission makes it comparatively easy for employers and insurance companies to take advantage of employees and increases the latter's need for the employment of attorneys, often at great expense.

Employment of Lawyers and Lawyers' Fees

The passive attitude of the Industrial Commission, referred to above, makes it necessary for the injured in many cases to establish his rights under the law at his own expense. For example, 19 Cook County minors engaged attorneys to collect compensation due them in so-called routine agreement cases which according to the records of the Industrial Commission were settled by the employer and employee amicably and without resort to legal aid.

Decisions of the Illinois Supreme Court have made hearings before arbitrators and the Commission technical and legalistic, requiring that the rules of evidence used in common law action for personal injury be followed. As a result injured workers are obliged to employ attorneys to represent them. Failure of the Industrial Commission to inform injured employees of their rights and of the services which they might expect from the Commission also makes legal advice necessary in many cases. Thus of the 530 Cook County minors who were interviewed, 18.7 per cent had employed lawyers.

Although the Industrial Commission has the power to regulate attorney fees, it has not set any limit as to the fees of law-

yers. Here again the injured employee must take the initiative for his protection and appeal to the Industrial Commission when a lawyer overcharges him--that is if he knows that he has the right to appeal. This lack of regulation is reflected in the large fees collected from young workers in 1933. Thus attorney fees paid by the injured minors of Cook County averaged 25.2 per cent of the compensation awarded them, while fees as high as 50 per cent of the compensation was paid by several young employees.

Recommendations

Changes in the Workmen's Compensation Act

Coverage.--The compulsory inclusion of all industries and all employees should be an ultimate objective. However, the inclusion of agricultural employments and street trades, i.e., the selling or distributing of newspapers and magazines should not be delayed. The Wisconsin law which provides that every person selling or distributing newspapers is deemed an employee of the news agency, or publisher whose newspapers or magazines he sells, may be followed.

Computation of compensation.--The amount of compensation should be increased to 70 per cent of the injured employee's wage. In the case of minors permanently disabled their future earning capacity should be considered in the determination of the average wage. What the minor would probably earn at twenty-seven as the result of his education and experience is a fair basis.

Injuries.--A permanent injury resulting from the loss of internal organs, i.e., the spleen, should be compensable and the partial loss of hearing should be made a permanent injury.

Payment of compensation.--Compensation should be paid directly to the injured employee instead of to lawyers or agents who may deduct more for their services than they had agreed to accept when taking the case, when compensation checks are made out in their names.

Accident reporting.--All work accidents occurring to minor employees should be reported to the Industrial Commission. Reports from employers, insurance carriers, and physicians should be required in a manner prescribed by the Industrial Commission. Physicians should be required to report all medical findings.

Conservation of compensation.--In cases involving awards

exceeding \$250.00 to injured minors the Industrial Commission should have the power to place the compensation in trust, to appoint guardians, and to supervise the expenditure of the compensation.

Medical.--A medical panel system along the lines of the New York plan should be provided for. This plan should aim to assure medical treatment of injured persons by qualified physicians. From this panel injured employees should have the right to choose their physicians.

The position of the Medical Director of the Industrial Commission should be made one in fact as well as in name. He should have general responsibility for establishing and enforcing standards of industrial medical practice, for the organization and operation of the medical panel system, and for medical research in the compensation and occupational diseases fields.

Procedure.--All procedures and hearings before the Industrial Commission should be required by the compensation law to be informal, non-legalistic--more administrative than judicial. At this writing hearings are legalistic in keeping with a decision of the State Supreme Court which held that the Industrial Commission is obliged to observe the common law rules of evidence. Appeals to the Courts from awards of the Industrial Commission should not be allowed except on questions of law.

Illegally employed minors.--Illegal employment of minors for the purposes of payment of penalty compensation and other purposes of the Workmen's Act should be defined as employment of minors in violation of any law of the State of Illinois. This provision would cover minors employed in violation of the Motor Vehicle Act as well as the Child Labor Law. Employers should be required to pay double the amount of primary compensation, in addition to the primary compensation, to illegally employed minors. Insurance companies should have secondary responsibility for payment of this additional compensation in case of insolvency of the employer.

Attorney fees.--Attorney fees should be fixed at not to exceed 10 per cent of an award or \$100.00, except upon the approval of the Industrial Commission. Obviously this amendment should be adopted only if the procedures before the Commission are greatly simplified and the Commission takes other than a passive attitude. As it stands now injured employees need good lawyers to win their

cases and they can not work for nothing. Until these needed changes are made, excessive percentages of compensation will be paid for legal costs.

Changes in the Child Labor Law

Scope.--All gainful employment of children under sixteen years of age should be prohibited. Hazardous occupations should be forbidden those under eighteen and permitted only for those eighteen to twenty-one who secure special permits from the Department of Labor. Street trades should be specifically brought within the scope of the Child Labor Law. Street trades should be denied to boys under sixteen and to girls under eighteen. Boys under eighteen engaged in street trades should be required to have permits and badges.

Hours of work.--No boy under eighteen years of age should be permitted to work more than six days in any one week, eight hours per day, or forty hours a week.

Administration.--Responsibility for supervision of the issuance of employment certificates should be given the Division of Women's and Children's Employment of the State Department of Labor.

Administration of the Workmen's Compensation Act

Personnel.--The staff of the Industrial Commission should be appointed entirely on the merit principle from eligible lists certified by the State Civil Service Commission. If this procedure were followed the five Commissioners of the Industrial Commission would still be appointed by the Governor and public opinion should demand their appointment because of their qualifications for the positions rather than political service.

Accident reporting.--The prompt reporting of all accidents and the giving of information on all items on the accident report form which the Industrial Commission prescribes should be insisted upon. Complete and accurate reporting of items that influence the determination of compensation, i.e., the nature and extent of the injury, is especially important. In the case of an accident report for a minor answers to the queries that are designed to be helpful in the preliminary investigation of age and work permit status, for example, those relating to birth date, date and number of work certificate, the time of accident, the hours worked per

day and per week, should be required. Likewise, the complete and correct reporting of medical findings and of medical treatment by physicians are very important. The full name and address of the attending physician or physicians, the name of the hospital, the nature of the treatment in surgical cases, medical and hospital costs should be routinely supplied the Commission. Separate office files of accident reports of accidents to minors would facilitate the administration of special provisions relating to minors.

Checking accident reports.--Careful day by day checking of all accident reports for minors is necessary to assure injured young workers the benefits and the protection which the Workmen's Compensation Act and the Child Labor Law provide for them. A new special division of the Industrial Commission or the existing Division of Women's and Children's Employment of the State Department of Labor should be made responsible for carefully scrutinizing all reports of accidents to persons under twenty-one years of age and for investigating, or referring to appropriate divisions for investigation and action, all indicated irregularities or illegalities.

Awarding compensation.--Section 7 (c) of the Workmen's Compensation Act which provides that compensation in fatal injuries shall not in any event be less than \$1,000.00 should be followed. It seems desirable also that the Industrial Commission re-examine its policy of not awarding compensation for partial deafness caused by accidental injury. This policy does not accord with its policy of awarding compensation for the percentage loss of body members or the percentage loss of their use.

Enforcement of compensation awards.--The Industrial Commission could be very helpful to injured employees, especially young persons who lack maturity and experience, if it would require the payment of the minimum rate of \$7.50 compensation in every case and if it would take the initiative in enforcing its awards of compensation and medical care. The willingness to perform these services would be an improvement over its present policy of referring distressed employees who have been refused compensation to the courts. Obstinate employers might be assessed additional compensation or referred to the Attorney General. Routine follow-up to protect young employees from unscrupulous employers and insurance companies should be adopted.

Lump sum payments.--The Industrial Commission would be in

a better position to determine whether or not a lump sum payment is likely to serve the best interests of injured minors if it obtained through skilled investigators information concerning the condition, circumstances, and needs of each applicant for this type of payment. In view of the State Supreme Court's decision which held that lump sums should not be granted when the alleged reason is the payment of debts and since the opinion of the Court that approval of lump payments under such circumstance does not serve the best interests of the employee accords with what was found in the course of this study, it seems undesirable to continue that policy.

Medical treatment.--The importance of adequate and competent medical care in industrial injuries makes it seem desirable to have the Medical Division of the Industrial Commission established on a full time basis with enlarged responsibilities. In addition to its present function of giving expert, impartial medical evidence in disputed cases, it might assume other functions that could be of inestimable value to injured workmen. The establishment and enforcement of standards for the medical and surgical treatment of persons injured in industrial accidents, including the keeping of a register of all physicians and surgeons qualified and certified to practice in compensation cases in Illinois; the investigation of complaints of the medical care received by injured employees; and the compilation and publication of data concerning the costs of medical care in compensation cases in Illinois are suggested functions for this Medical Division. Another would be the supervision of the state wide system of medical panels should the General Assembly provide for this form of medical provision. As part of its general administration of the Workmen's Compensation Act, the Industrial Commission might require prognosis reports from physicians in all cases of incapacity of more than 30 days and also a mature statement of the nature, extent, and duration of injury with all final settlement receipts. Scrutiny of medical reports and medical items on the accident reports from employers or insurers by qualified persons would aid in the discovery of evasions of the medical provisions of the compensation law. A cooperative relationship between the Industrial Commission and the Cook County hospital would go far to prevent employers from avoiding their responsibilities and make it unnecessary for employees to seek treatment there at public expense.

Attorneys.--The Industrial Commission should endeavor to break the practice of insurance company lawyers giving the names of injured workers to their lawyer friends and then splitting fees that are exacted from the worker. It should also make sure that its own employees do not give the names of injured workers to lawyers for a part of the fee collected. Moreover, lawyers or their representatives should be prohibited from using the offices of the Commission to solicit business from injured employees. As compensation only partly and often inadequately compensates employees for wage and other losses suffered as the result of their work accidents, it is important that the charging of excessive fees by attorneys and other persons be prohibited. However, it will not be expedient or in the interest of injured employees to limit attorney fees, for example to 10 per cent of the compensation, unless procedures before the Industrial Commission are greatly simplified and unless the Industrial Commission actively attempts to offer the assistance of its staff and investigators to injured workmen in understanding their rights and in presenting their claims. As it stands now employees need good attorneys to help them, even in so-called routine agreement cases, collect the compensation to which they have a right. Good lawyers are expensive and probably would not be available for practice for small fees under the present system. In such event the injured persons would be even greater losers, as employers and insurance companies would still retain able, experienced attorneys.

Employee education.--The findings of this study reveal the need for the development by the Industrial Commission of a program of direct employee-education through letters, pamphlets, radio talks, and speeches.¹ An essential part of this program would be the mailing of a letter to each injured employee upon the receipt of every accident report. It would describe in simple language the rights and duties of the employee under the Workmen's Compensation Act and acquaint him with services available at the offices of the Commission. Among the objectives of this letter would be those of preventing employers and insurance companies from taking advantage of uninformed workers and of making lawyers decreasingly necessary in compensation cases.

¹In the autumn of 1937 Mr. Peter J. Angsten, Chairman of the Industrial Commission, reviewed the Occupational Diseases Act in a series of weekly talks over radio station WCFL.

APPENDIXES

I. GENERAL TABLES BASED ON DATA IN THE FILES OF THE ILLINOIS INDUSTRIAL COMMISSION

TABLE 32

INDUSTRY OR OCCUPATIONAL GROUP OF EMPLOYED MINORS SUSTAINING
INJURIES FROM SPECIFIED CAUSES IN ILLINOIS IN 1933

Cause of Injury	Minors Sustaining Industrial Injuries									
	Total	Industry or Occupational Group								
		Building and Construction	Extraction of Minerals	Manufacturing	Trade	Transportation, Communication, and Domestic Service	Personal Recreation	Miscellaneous	Not Reported	
All causes	1,233	42	88	601	286	64	93	24	27	8
Accidents due to machinery ...	324	2	2	277	26	1	11	1	3	1
Prime movers, transmission apparatus	9	..	1	7	1	..	..	..	..	..
Working machinery	288	1	..	254	21	1	8	1	1	1
Metal working	102	..	..	102	..	..	..	..	..	..
Food products	64	..	..	38	19	..	6	..	1	..
Woodworking	28	1	..	27	..	..	..	..	..	..
Textile	19	..	..	18	1	..	..	..	..	..
Printing	19	..	..	19	..	..	..	..	..	..
Paper products	18	..	..	18	..	..	..	..	..	..
Leather	14	..	..	14	..	..	..	..	..	..
Other	24	..	..	18	1	1	2	1	..	1
Other than working machinery.	6	..	..	4	..	..	2	..	..	..
Elevators and hoisting apparatus	21	1	1	12	4	..	1	..	2	..
Accidents not due to machinery	887	40	86	312	254	61	80	23	24	7
Other than vehicles	756	33	58	288	212	38	78	22	21	6
Handling objects	228	5	17	96	70	8	22	7	1	2
Falls or persons	140	8	3	41	46	10	15	6	10	1
Falling objects	108	10	23	35	17	11	5	3	3	1
Stepping on or striking against objects	108	3	..	43	41	1	12	2	4	2
Hand tools	91	2	13	36	25	5	9	..	1	..
Fires, explosions, hot, or corrosive substances	64	4	1	31	10	1	14	1	2	..
Miscellaneous	17	1	1	6	3	2	1	3	..	..
Vehicles	131	7	28	24	42	23	2	1	3	1
Automobiles and motor trucks	67	5	..	18	31	7	2	..	3	1
Mine and quarry cars	27	..	27	..	..	..	..	..	..	..
Bicycles	19	..	..	1	7	11	..	..	..	..
Other vehicles	18	2	1	5	4	5	..	1	..	..
Not reported	22	..	..	12	6	2	2	..	..	..

TABLE 33
NATURE OF INJURIES SUSTAINED BY EMPLOYED MINORS OF
SPECIFIED AGE AND SEX IN ILLINOIS IN 1933

Age and Sex	Minors Sustaining Injuries													
	Total	Nature of Injury												
		Bruises	Crushing	Cuts, punctures, lacerations	Amputations	Burns	Fractures	Dislocations	Sprains and Strains	Hernia	Concussion	Inflammation	Infection	Other ^a
Total	1,233	217	37	379	74	56	105	8	108	22	6	22	133	29
Males.....	918	179	30	271	55	40	88	5	74	22	5	15	87	21
Under 14 years.	6	2	.	1	.	.	2	.	.	.	.	1	.	.
14 and 15 years	14	1	.	4	1	.	6	.	1	.	.	.	1	.
16 and 17 years	92	21	3	26	6	2	10	1	5	1	1	1	7	5
18 years, less than 21.....	806	155	27	240	48	38	70	4	68	21	4	13	79	16
Females.....	315	38	7	108	19	16	17	3	34	.	1	7	46	8
Under 14 years.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
14 and 15 years	1	.	.	.	.	.	1	.	.	.	.	.	.	.
16 and 17 years	25	4	.	8	.	2	2	.	2	.	.	.	5	.
18 years, less than 21.....	289	34	7	100	19	14	14	3	32	.	1	7	41	8

^aIncludes two cases of freezing, four of blisters, and twenty-three of miscellaneous injuries not otherwise classified.

TABLE 34

NATURE OF INJURIES SUSTAINED BY EMPLOYED MINORS FROM SPECIFIED
CAUSE OR TYPE OF WORKING MACHINERY IN ILLINOIS IN 1933

Cause of Injury	Minors Sustaining Injuries												
	Total	Nature of Injury											
		Bruises	Crushing	Cuts and Lacerations	Punctures	Amputations	Burns	Fractures	Dislocations	Sprains and Strains	Inflammation	Infection	Other ^a
Total	288	27	21	134	12	54	2	21	1	1	1	10	1
Metal working	102	4	13	37	5	30	..	6	1	..	1	2	1
Abrasive wheels.....	2	..	..	1	..	..	..	1	..	..	..	..	..
Presses	60	2	8	20	5	19	..	1	..	..	1	1	2
Lathes	2	..	1	..	..	..	..	1	..	..	..	..	..
Milling machines...	4	..	..	2	..	2	..	..	..	..	..	..	..
Other	34	2	4	14	..	9	..	3	1	..	..	1	..
Woodworking	28	6	1	14	1	4	..	1	..	..	..	1	..
Saws	14	..	..	7	1	4	..	1	..	..	..	1	..
Planing and molding	6	2	..	4	..	..	..	..	..	..	..	..	..
Other	8	4	1	3	..	..	..	..	..	..	..	..	..
Paper products	18	3	2	7	..	2	..	4	..	..	..	..	..
Printing	19	4	2	8	..	1	..	1	..	1	..	2	..
Food products	64	5	2	43	1	9	..	3	..	..	..	1	..
Baking	15	3	..	7	..	3	..	1	..	..	..	1	..
Confectionery	20	1	..	17	..	1	..	1	..	..	..	..	..
Meat products	21	1	..	15	1	4	..	..	..	..	..	..	..
Other	8	..	2	4	..	1	..	1	..	..	..	..	..
Leather working	14	..	1	8	..	4	..	..	..	..	..	1	..
Textile	19	3	..	5	4	1	1	3	..	..	..	1	..
Miscellaneous	24	2	..	12	1	3	1	3	..	..	..	2	..

^aForeign body in eye.

TABLE 35

WORKING HOURS PER WEEK OF MINORS OF SPECIFIED AGE AND SEX
INJURED IN WORK ACCIDENTS IN ILLINOIS IN 1933

Age and Sex	Minors Injured in Work Accidents											
	Having Hours Reported	Working Hours per Week										
		Less Than 30	30 Less Than 35	35 Less Than 40	40 Less Than 45	45 Less Than 50	50 Less Than 55	55 Less Than 60	60 Less Than 65	65 Less Than 70	70 Less Than 75	75 and Over
Total	751 ^a	31	24	35	220	239	99	28	53	6	10	6 ^b
Males	532	27	20	21	155	154	72	20	45	4	8	6
Under 14 years	1	1	..	..	..	..	..	..	..	..	..	..
14 years	2	1	..	..	1	..	..	..	..	..	..	..
15 years	2	..	..	1	..	1	..	..	..	..	..	..
16 years	18	2	..	2	4	5	3	..	1	..	..	1 ^c
17 years	33	2	1	2	8	9	4	2	3	1	1	..
18 years	110	1	4	2	38	33	13	5	11	1	..	2 ^d
19 years	177	14	7	5	43	55	25	7	18	1	2	..
20 years	189	6	8	9	61	51	27	6	12	1	5	3 ^e
Females	219	4	4	14	65	85	27	8	8	2	2	..
Under 14 years	..	..	..	..	..	..	..	..	..	..	..	..
14 years	1	..	..	1	..	..	..	..	..	..	..	..
15 years	..	..	..	..	..	..	..	..	..	..	..	..
16 years	3	..	..	..	2	1	..	..	..	..	..	..
17 years	15	..	..	..	7	5	2	1	..	..	..	..
18 years	55	..	1	5	14	21	10	1	1	1	1	..
19 years	74	1	3	1	25	27	7	3	6	..	1	..
20 years	71	3	..	7	17	31	8	3	1	1	..	..

^aThe working hours per week for 482 minors were not reported by employers or insurers.

^bFor three minors a working week of 77 hours was reported; for one, 78; for another, 91; for another, 97.

^cWorked 78 hours.

^dOne worked 77 hours; the other, 91.

^eOne worked 97 hours; the other two worked 77.

TABLE 36
WORKING HOURS PER DAY OF MINORS OF SPECIFIED AGE AND SEX
INJURED IN WORK ACCIDENTS IN ILLINOIS IN 1933

Age and Sex	Minors Injured in Work Accidents									
	Having Hours Reported	Working Hours per Day								
		Less Than Five	Five	Six	Seven	Eight	Nine	Ten	Eleven	Twelve and Over
Total	777 ^b	11	11	35	49	431	142	83	5	10
Males	553	10	6	23	29	308	94	68	5	10
Under 14 years	1	1	..	..	..	..	..	..	..	..
14 years	3	2	..	1	..	..	..	..	..	..
15 years	2	..	..	1	..	1	..	..	..	..
16 years	19	2	..	1	2	9	2	1	1	1
17 years	34	2	..	1	2	18	4	7	..	..
18 years	116	..	2	2	8	66	20	14	2	2
19 years	179	1	2	10	7	99	36	21	1	2
20 years	199	2	2	7	10	115	32	25	1	5
Females	224	1	5	12	20	123	48	15	..	..
Under 14 years	..	..	..	..	..	..	..	..	..	..
14 years	1	..	..	1	..	..	..	..	..	..
15 years	..	..	..	..	..	..	..	..	..	..
16 years	4	..	..	..	..	4	..	..	..	..
17 years	18	..	1	..	2	10	5	..	..	..
18 years	57	..	1	3	8	25	17	3	..	..
19 years	73	..	..	6	7	38	15	7	..	..
20 years	71	1	3	2	3	46	11	5	..	..

^aFor six minors a working day of 12 hours was reported; for two, 13 hours; for one, 15 hours; and for one, a working day ranging from 10 to 16 hours.

^bThe working hours per day for 456 minors were not reported by employers or insurers.

TABLE 37

WEEKLY RATE OF COMPENSATION GRANTED TO MINORS OF SPECIFIED
AGE AND SEX INJURED IN WORK ACCIDENTS IN ILLINOIS, 1933

Age and Sex	Minors Injured in Work Accidents										
	Total	Rate of Compensation in Dollars									
		Less Than 7.50	7.50	8.00	9.00	10.00	11.00	12.00	13.00	14.00	Not Re- ported
Total ^a	1,221	4	945	79	75	38	32	22	6	15	5
Males	911	1	659	71	74	35	26	21	6	15	3
Under 14 years	5	..	5	..	..	..	..	..	..	..	..
14 and 15 years	13	..	13	..	..	..	..	..	..	..	..
16 and 17 years	91	..	82	2	3	..	1	1	..	..	2
18 years, less than 21	802	1	559	69	71	35	25	20	6	15	1
Females	310	3	286	8	1	3	6	1	..	..	2
Under 14 years	..	..	..	..	..	..	..	..	..	..	..
14 and 15 years	1	..	1	..	..	..	..	..	..	..	..
16 and 17 years	25	..	23	..	..	..	2	..	..	..	..
18 years, less than 21	284	3	262	8	1	3	4	1	..	..	2

^aExcluded from this table are twelve cases in which compensation was not granted on a weekly basis.

TABLE 38
TOTAL AMOUNTS OF COMPENSATION GRANTED TO MINORS
OF SPECIFIED AGE AND SEX INJURED IN WORK
ACCIDENTS IN ILLINOIS IN 1933

Age and Sex	Injured Minors Granted Compensation	
	Number	Total Amounts
Total	1,223 ^a	\$119,851.23
Males	910	97,577.83
Under 14 years	6	915.00
14 and 15 years	14	6,628.48
16 and 17 years	88	10,933.47
18 years, less than 21 ..	802	79,100.88
Females	313	22,273.40
Under 14 years	...	
14 and 15 years	1	59.46
16 and 17 years	25	469.19
18 years, less than 21 ..	287	21,744.75

^aExcludes ten minors to whom no compensation was reported paid by employers.

TABLE 39

AMOUNTS OF COMPENSATION GRANTED TO EMPLOYED MINORS SUSTAINING
INJURIES OF SPECIFIED EXTENT IN ILLINOIS, 1933

Amount of Compensation Granted	Minors Injured in Work Accidents					
	Total	Extent of Disability				
		Fatal	Permanent		Tempo- rary	Not Re- ported
			Par- tial	Dis- figure- ment		
Total	1,233	10	252	46	913	12
Less than \$25	679	..	3	9	667	..
\$25, through 49	164	..	18	13	133	..
\$50, through 74	82	..	24	6	52	..
\$75, through 99	67	..	29	11	27	..
\$100, through 124 ..	38	..	20	3	11	4
\$125, through 149 ..	16	..	11	..	5	..
\$150, through 174 ..	21	..	16	1	3	1
\$175, through 199 ..	16	..	13	..	3	..
\$200, through 224 ..	15	1	12	1	1	..
\$225, through 249 ..	11	..	10	..	1	..
\$250, through 274 ..	10	..	9	..	1	..
\$275, through 299 ..	11	..	11	..	..	..
\$300, through 324 ..	6	..	6	..	..	..
\$325, through 349 ..	12	..	12	..	..	..
\$350, through 374 ..	8	..	6	1	1	..
\$375, through 399 ..	5	..	5	..	..	..
\$400, through 424 ..	4	..	2	1	..	1
\$425, through 449 ..	4	..	4	..	..	..
\$450, through 474 ..	6	..	6	..	..	..
\$475, through 499 ..	1	..	1	..	..	..
\$500, through 999 ..	27	2	20	..	4	1
\$1,000 or over	20	7	13	..	..	..
Not reported	10	..	1	..	4	5

TABLE 40
AVERAGE WEEKLY WAGE OF MINORS OF SPECIFIED AGE AND SEX
INJURED IN WORK ACCIDENTS IN ILLINOIS IN 1933

Age and Sex	Minors with Specified Weekly Wage									
	Total	Less than \$5	\$5, Less than 10	\$10, Less than 15	\$15, Less than 20	\$20, Less than 25	\$25, Less than 30	\$30, Less than 35	\$35 and over	Not Reported
Total....	1,233	44	252	492	351	58	20	6	3 ^a	7
Males	918	39	155	332	303	55	20	6	3	5
Under 14 years	6	5	..	..	..	..	..	..	..	1
14 years	7	5	2	..	..	..	..	..	..	..
15 years	7	1	3	..	2	..	..	..	..	1
16 years	37	7	15	9	4	1	..	..	..	1
17 years	55	5	21	17	10	1	1	..	..	..
18 years	203	8	36	85	55	15	3	1	..	..
19 years	271	5	48	107	85	21	2	1	..	2
20 years	332	3	30	114	147	17	14	4	3	..
Females	315	5	97	160	48	3	..	..	..	2
Under 14 years	..	..	..	..	..	..	..	..	..	..
14 years	1	..	..	..	1	..	..	..	..	..
15 years	..	..	..	..	..	..	..	..	..	..
16 years	4	..	2	2	..	..	..	..	..	..
17 years	21	..	12	9	..	..	..	..	..	..
18 years	81	..	30	44	6	..	..	..	..	1
19 years	107	2	35	49	18	3	..	..	..	..
20 years	101	3	18	56	23	..	..	..	..	1

^a\$35.00, \$39.25, \$50.00.

TABLE 41
AVERAGE WEEKLY WAGE OF MINORS INJURED IN WORK ACCI-
DENTS IN ILLINOIS IN 1933, CLASSIFIED BY THE
NUMBER OF WORKING HOURS PER WEEK

Working Hours per Week	Minors Injured in Work Accidents								
	Total	Specified Weekly Wage							
		Less Than \$5	\$5, Less Than 10	\$10, Less Than 15	\$15, Less Than 20	\$20, Less Than 25	\$25, Less Than 30	\$30 and Over	Not Re- ported
Total	1,233	45	252	492	351	57	20	9	7
Total reported	751	13	163	305	220	35	8	7	..
Less than 30 hours ...	31	8	14	3	4	2	..	..	..
30 hours, less than 35	24	..	9	11	4	..	..	..	..
35 hours, less than 40	35	..	4	22	9	..	..	..	..
40 hours, less than 45	219	1	33	104	67	11	2	1	..
45 hours, less than 50	239	1	58	80	79	14	2	5	..
50 hours, less than 55	100	..	28	42	24	5	1	..	..
55 hours, less than 60	28	1	6	11	9	1	..	..	..
60 hours, less than 65	53	2	9	22	16	1	2	1	..
65 hours, less than 70	6	..	..	4	1	..	1	..	..
70 hours, less than 75	10	..	..	5	5	..	..	..	..
75 hours or over	6	..	2	1	2	1	..	..	..
Not reported	482	32	89	187	131	22	12	2	7

II. ILLINOIS LAWS RELATED TO COMPENSATION
FOR INJURED MINORS

Excerpts from the Illinois Workmen's Compensation Act¹

Employee defined.

Sec. 5. Term "employee" - How construed.

The term "employee" as used in this Act, shall be construed to mean:

Second - Every person in the service of another under any contract of hire, express or implied, oral or written, including persons whose employment is outside of the State of Illinois where the contract of hire is made within the State of Illinois, and including aliens, and minors who, for the purpose of this Act shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees, but not including any totally blind person or any person who is not engaged in the usual course of the trade, business, profession or occupation of his employer: Provided, however, that any employer may elect to provide and pay compensation to any employee other than those engaged in the usual course of the trade, business, profession or occupation of the said employer by complying with section 1 of this Act: Provided, further, that employees shall not be included within the provisions of this Act when excluded by the laws of the United States relating to liability of employers to their employees for personal injuries where such laws are held to be exclusive.

Increased compensation for minors illegally employed.

Sec. 7. Death compensation

(i) In case the injured employee is under sixteen years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (a), (b), (c), (d) and (e) of this section shall be increased fifty per centum. Provided, however, that nothing herein contained shall be construed to repeal or amend the provisions of an Act concerning child labor, approved June 26, 1917, as subsequently amended relating to the employment of minors under the age of sixteen years.

Sec. 8. Compensation for non-fatal injuries

(k) In case the injured employee is under sixteen years of age at the time of the injury and is illegally employed, the amount of compensation payable under paragraphs (b), (c), (d), (e), and (f) of this section shall be increased fifty per centum. Provided, however, that nothing herein contained shall be construed to repeal or amend the provisions of an Act concerning child labor

¹The original of enactment section numbers of the Workmen's Compensation Act approved June 28, 1913, as amended, are shown. The text of the complete Act may be found in any of the following editions of the Illinois statutes: Smith-Hurd Revised Statutes of the State of Illinois, 1933, chap. 48, secs. 138-72; Cahill Revised Statutes of the State of Illinois, 1933, chap. 48, secs. 201-36; Illinois Revised Statutes, 1937 (State Bar Association Edition), chap. 48, secs. 138-72.

TABLE 42

AMOUNTS OF COMPENSATION PAYABLE FOR LOSS OF,
OR FOR PERMANENT AND COMPLETE LOSS OF USE
OF SPECIFIC BODY MEMBERS^a

Body Member ^b	Number of Weeks of Compensation	Amount of Compensation	
		Maximum ^c	Minimum ^d
Thumb	70	\$1,050.00	\$ 525.00
First finger	40	600.00	300.00
Second finger	35	525.00	262.50
Third finger	25	375.00	187.50
Fourth finger	20	300.00	150.00
Great toe	35	525.00	262.50
Each other toe	12	180.00	90.00
Hand	170	2,550.00	1,275.00
Arm	225	3,375.00	1,687.50
Foot	135	2,025.00	1,012.50
Leg	190	2,850.00	1,425.00
Eye sight (one eye) ...	120	1,800.00	900.00
Hearing (one ear)	50	750.00	375.00
Hearing (both ears) ...	125	1,875.00	937.50

^aBased upon Illinois Workmen's Compensation Act, sec. 8(d-1).

^bThis is not an exhaustive list of the schedule of members provided for in the Act. Provisions are made for loss of or loss of use of one phalange of a finger or toe, for permanent partial loss of use of a member or sight of an eye, and for the loss of two members in one accident.

^cThese amounts are calculated by multiplying the number of weeks of compensation in the schedule by the maximum weekly amount payable, \$15.00. Proportionate increases may be made if the injured employee has less than three children under 16 years at the time of the accident. As much as \$20.00 may be paid if the injured person has four children under 16 years of age.

^dThese amounts are calculated by multiplying the number of weeks of compensation provided for in the schedule by the minimum weekly amount of compensation payable, \$7.50. Proportionate increases may be allowed for children under 16 years. If the injured employee has four children under 16 years of age, \$14.00 is the minimum amount payable weekly.

Excerpts from the Illinois Child Labor Law¹

General Provisions

Sec. 1. No minor under the age of fourteen years shall be employed, permitted or suffered to work at any gainful occupation in, for or in connection with, any theatre, concert hall or place of amusement, or any mercantile institution, store, office, hotel, laundry, manufacturing establishment, mill, cannery, factory or workshop therefor, within the State.

Sec. 9. No person under the age of sixteen years shall be employed or suffered or permitted to work at any gainful occupation more than six days in any one week, nor more than eight hours in any one day; or before the hours of seven o'clock in the morning, or after the hour of seven o'clock in the evening. Every employer shall post in a conspicuous place in every room where such minors are employed, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals, begins and ends. The printed form of such notice shall be furnished by the Department of Labor, and the employment of any such minor for longer time in any day so stated, or more than six days in any one week, shall be deemed a violation of this section.

Duties of Employers of Minors

Sec. 2. to keep a register, in which register shall be recorded the name, age and place of residence of every minor employed, over the age of fourteen and under the age of sixteen years;

Sec. 2. procured and placed on file an employment certificate accessible to the authorized officers or employees of the Department of Labor, and to the truant officers or other school officials charged with the enforcement of the compulsory education law.

Sec. 3. post and keep posted in a conspicuous place in every room in or in connection with which such help is employed or permitted or suffered to work, a list containing the name, age and place of residence of every minor over the age of fourteen and under the age of sixteen years, employed, permitted or suffered to work in or in connection with such room.

¹The original or enactment section numbers of the Child Labor Act, approved May 15, 1903, as amended, are shown. The text of the complete Act may be found in any of the following editions of the Illinois statutes: Smith-Hurd Revised Statutes of the State of Illinois, 1933, chap. 48, secs. 17-31; Cahill Revised Statutes of the State of Illinois, 1933, chap. 48, secs. 44-59, Illinois Revised Statutes, 1937 (State Bar Association Edition), chap. 48, secs. 17-31.

Schedule of Prohibited Employments¹

Sec. 10. No minors under the age of sixteen years shall be employed at:

Sewing belts
Adjusting belts
Oiling machinery
Wiping machinery
Cleaning machinery
Operating or assisting in
operating the following:

Circular saws
Band-saws
Wood-shapers
Wood-joiners
Planers
Sand-paper machinery
Wood polishing machinery
Emery or polishing wheels
Wood-turning machinery
Wood-boring machinery
Stamping machines in sheet-metal and tinware nor
washer and nut factories.

Corrugating rolls
Passenger or freight elevators
Steam boilers
Steam machinery or other steam generating apparatus
Dough breakers
Cracker machinery of any description
Wire or Iron straightening machinery
Rolling mill machinery
Punches
Shears
Washing, grinding or mixing mills
Calendar rolls in rubber manufacturing
Laundry machinery

Mines

Quarries

Where dangerous or poisonous acids are used

Manufacture of paints, colors, white lead

Bowling alleys

Theatre, concert hall or place of amusement where
intoxicating liquors are sold. Any employment

Department of Labor finds to be dangerous to
their lives or limbs, or where their health
may be injured or their morals depraved

Females under the age of sixteen at any class of
work, where they are required to remain standing

¹The composition form has been changed from that given in the statute, but the content is essentially unmodified.

Employment Certificates

Children between 14 and 16 years of age.--Sec. 2. and it shall be unlawful for any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation to hire or employ or to permit or suffer to work in or for or in connection with any theatre, concert hall or place of amusement, or any mercantile institution, store, office, hotel, laundry, manufacturing establishment, mill, cannery, factory or workshop, any minor over the age of fourteen and under the age of sixteen years unless there is first procured and placed on file in such theatre, concert hall or place of amusement or in such mercantile institution, store, office, hotel, laundry, manufacturing establishment, mill, cannery, factory or workshop, an employment certificate issued as hereinafter provided and accessible to the authorized officers or employees of the Department of Labor, and to the truant officers or other school officials charged with the enforcement of the compulsory education law.

Issuance by local officials.--Sec. 4. An employment certificate shall be issued only by the superintendent of schools or by a person authorized by him in writing; or where there is no superintendent of schools, by a person authorized by the school board or other local school authority or in counties of the first and second classes during vacation by the county superintendent of schools: Provided, that no member of a school board or other person authorized as aforesaid, shall have authority to issue such certificates for any minor then in or about to enter his own establishment, or the employment of a firm or corporation of which he is a member, officer or employee. The person issuing these certificates shall have authority to administer the oaths provided for herein, but no fee shall be charged therefor. It shall be the duty of the school board or local school authority, to designate a place or places (connected with their offices when practicable), where certificates shall be issued and recorded, and physical examinations made without fee, as hereinafter provided, and to establish and maintain the necessary records and clerical service for carrying out the provisions of this Act.

Vacation certificates.--Sec. 5(a). Vacation certificates may be issued in the same manner and under the same conditions that certificates are issued for employment during the regular session of the school, except that for such vacation permits to children who have reached their fourteenth birthday, no proof of education qualifications shall be necessary and no school record required, as in the case of the regular certificates, but any such vacation certificate shall be valid only for the period indicated upon the certificate, which must be limited to the time during vacation of the public schools in the town, district or city where the child resides.

Any employer who fails to dismiss from his services, any employee named in a vacation certificate upon the expiration thereof, or fails to return such certificate to the authorities who issued the same, upon the expiration thereof, shall be subject to a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars.

Such vacation certificate shall bear upon its face the date

of its expiration.

"Outside of school hours" certificates.--Sec. 5(b). The persons authorized to issue employment certificates may issue a permit to work outside of school hours to any minor over the age of fourteen and under the age of sixteen, regardless of what schooling he has completed, for a period of time which when added to the time such minor is required by law to attend school shall not exceed eight hours in any one day, which time shall be between 7 o'clock a.m. and 7 o'clock p.m.: Provided, that the person issuing any such permit to work outside of school hours shall immediately notify in writing, the principal of the school which the minor is attending, and if at any time, to the satisfaction of the person issuing such permit to work, it appears that the school work or the health of such minor is being impaired by such employment, the authority issuing such permit may revoke the same. Such employment certificate shall have printed across the face in red "Permit for work out of school hours," and shall be issued within the requirements prescribed in section 5 of this Act with relation to health, written statement of employment and proof of age, and shall be acknowledged and returned to the superintendent of schools by employers within the same period and under the same penalties as regular employment certificates.

Exemption.--Sec. 14. Provided, that nothing in this section shall be construed to prevent any minor under the age of fourteen years from doing voluntary work of a temporary and harmless character, for compensation, when school is not in session, with the consent of parent or guardian "nor shall any provision of this Act be construed to prevent the board of education or school directors of any school district from substituting vocational education under its supervision for academic education."

Requirements for employment certificates.--Sec. 5. The official authorized to issue an employment certificate to any minor shall issue such certificate only upon the application in person of the minor desiring employment, accompanied by the parent, guardian or custodian of such minor and after having received, examined and approved the following papers, namely:

- (a) A School record, as hereinafter provided.
- (b) A certificate of physical fitness, as hereinafter provided.
- (c) Proof of age, as hereinafter provided.
- (d) A statement signed by the prospective employer, or by some one duly authorized on his behalf, stating that he expects to give such minor present employment, and setting forth the character of the same and the number of hours per day and of days per week, which said minor shall be employed.

For the issuance of an employment certificate, the school record required by this Act shall be filled out and signed by the principal of the school, public or private or parochial, which the minor has last attended, or by some one duly authorized by him, or during vacation by the county superintendent of schools in counties of the first and second classes, and shall be furnished to any minor who may be entitled thereto: Provided, said minor shall have first secured proof of age and statement signed by the prospective employer, as provided in this section. It shall certify that the said minor is able to read

and write legibly, simple sentences in the English language and has completed a course of study equivalent to the work prescribed for the first eight years of the public elementary schools, in spelling, reading, writing, arithmetic to and including fractions, geography and history, and has attended school for at least 130 days during the year preceding the date of his application for his first employment certificate, or between his thirteenth and fourteenth birthdays. Such school record shall also give the full name, date of birth, and residence of minor, and the name and residence of the parent, guardian or custodian, as shown on the records of the school.

Proof of age.--Sec. 5 (d). The evidence of age required by this Act shall consist of one of the following proofs of age, which shall be required in the order herein designated:

(a) A duly attested transcript of the birth certificate, furnished free by the State, filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording birth; such registration having been completed within the ten years after date of birth; or,

(b) A baptismal certificate or transcript of record of baptism, duly certified, and showing the date of birth, and place of baptism; or,

(c) A passport showing the age of the minor; or,

(d) In case none of the aforesaid proofs of age shall be obtainable, and only in such case, the issuing officer may accept, in lieu thereof, other documentary record of age (such as official certificate of arrival in the United States, bona fide Bible record, confirmation certificate or life insurance policy which are at least one year old at the time of the minor's application for the permit), or transcript thereof, duly certified, which shall appear to the satisfaction of the issuing officer to be good and sufficient evidence of age; or, in case none of the aforesaid proofs of age shall, in the judgment of the officer having power to issue employment certificates be obtainable, such officer may accept in lieu thereof, a written statement signed by the head teacher or principal of the public or private school which such child has attended, certifying that he or she was in _____ grade, and can read and write legibly simple sentences in English, and further certifying the name, age, place and date of birth of such child as shown by the official record of such school for at least two years during the period such minor was in attendance thereat; or,

(e) In case none of the aforesaid proofs of age shall be obtainable, and in such cases only, the issuing officer may accept, in lieu thereof, the signed statement of two physicians, at least one of whom shall be a public health officer or public school physical inspector, stating that they have separately examined the minor and that in their opinion the minor is at least fourteen years of age, or in case where such appears to be true that said minor is at least sixteen years of age.

Triplicate permits.--Sec. 6. All employment certificates shall be issued in triplicate, one of which shall be forwarded by mail by the issuing officer to the prospective employer of

the minor for whom the employment certificate is issued, and another of which shall be forwarded to the properly authorized officer of the Department of Labor, and a third, or the facts contained on it, shall be filed in the issuing office.

Certificates of age.--Sec. 6a. The person authorized to issue employment certificates may, upon the application in person of any minor over the age of sixteen years, and upon presentation of evidence of age as required for minor under the age of sixteen in section 5 of this Act, issue a certificate of age for minor over the age of sixteen.

Inspection and Enforcement

Sec. 12. It shall be the special duty of the Department of Labor to enforce the provisions of this Act, and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State. It shall be the duty of the authorized officers and employees of the Department of Labor, and they are hereby authorized and empowered, to visit and inspect, at all reasonable times and as often as possible, all places covered by this Act. Truant officers and other school officials authorized by the board of education or school directors may enter any place in which children are, or are believed to be employed and inspect the work certificates on file. It shall be the duty of such truant officers or other school officials to file complaints against any employer found violating the provisions of this Act.

Penalties for Violations

Liability of parent or guardian.--Sec. 13. Whoever having under his control a minor under the age of sixteen years, permits such minor to be employed in violation of the provisions of this Act, shall for each offense be fined not less than \$5.00 nor more than \$25.00, and shall stand committed until such fine and costs are paid.

Fraudulent certification.--Sec. 13. Every person authorized to sign any of the certificates prescribed by Section 5 and Section 6 of this Act, who certifies to any materially false statement therein, shall be guilty of a violation of this Act, and upon conviction thereof shall be fined not less than \$5.00, nor more than \$100.00 for each offense, and shall stand committed until such fine and costs are paid.

Violations by employers.--Sec. 13. Any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation, whether for himself or for such firm or corporation, or by himself or through sub-agents, or managers, superintendents or foreman, who shall violate or fail to comply with any of the provisions of this Act, or shall refuse admittance to premises or otherwise obstruct the officers or employees of the Department of Labor, in the performance of their duties, as prescribed by this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$5.00 nor more than \$200.00 for each offense, and shall stand committed until such fine and costs are paid.

Provided, that the employment of a minor shall not be deemed a violation of this Act insofar as the employer is concerned, if, immediately prior to the employment of said minor, the employer shall have been presented with or shall have obtained the duly attested over age certificate issued in accordance with Section 6 of this Act to the said minor.

April 16, 1934

EMPLOYMENT:
Children Carrying
newspapers.

Mr. Joseph J. Nowicki,
Chief State Factory Inspector,
Department of Labor
608 South Dearborn Street,
C H I C A G O

Dear Sir:

By your letter of April 12th, you inquire whether or not there is any law with reference to children under fourteen years of age carrying newspapers.

Section 1 of the Child Labor law prohibits the employment of any minor under the age of fourteen years to work in, for in connection with the various occupations and businesses specified in the section for gain. Section 14 of the act provides that a minor under the age of fourteen years may do "voluntary work of a temporary and harmless character for compensation, when school is not in session, with the consent of parent or guardian."

In Gill v. Boston, 337 Ill. 70, the phrase, "in, for or in connection with" was interpreted to include employment outside of the building or place in which the business was conducted and the employment could not be limited to actual work inside the building.

Section 1, standing alone, prohibits the employment for gain of a minor under fourteen years of age in any capacity at any time. But section 14 permits voluntary employment during vacation of a temporary and harmless character when school is not in session and the parent or guardian consents.

Therefore, in my judgment, a minor under fourteen years of age during the period while school is in session cannot be employed by a newspaper to carry papers, but in vacation he can do so for compensation with the consent of his parent or guardian.

You also inquire as to whether or not "those boys and girls selling newspapers, purchasing from the distributor and selling them at a profit, would come under any classification under the Child Labor Law."

In my opinion the Child Labor Law does not apply. They are not employed, but are in business for themselves. They voluntarily purchase and pay for the papers and the distributor has nothing to do with the matter in the way of employment and has no control over them at any time or place. The statute does not forbid the sale of the newspaper to the minors and Child Labor law does not apply.

Very truly yours,
Otto Kerner,
Attorney General

MEC:CKN

Copy

Excerpts From an Opinion of the Attorney General
of the State of Illinois

No. 900
June 15, 1936

Re: Employment-Workmen's Compensation
Newsboys-Contracts-Independent Contractors

A contract made between a delivery boy and a publisher whereby the delivery boy agrees to deliver copies of the publication to each of the customers daily except Sunday, at a minimum stipulated profit, is a contract of employment.

Industrial Commission:

Your favor of June 9th has been received requesting opinion from this office concerning the DeKalb Daily Chronicle letter desiring a ruling on the question of whether or not the newsboys making distribution of the Chronicle are under the Workmen's Compensation Act of Illinois, and whether or not provision should be made by the Chronicle for their compensation in case of injury.

I have examined the contract submitted which all carriers are required to sign which is in the words as follows:

"Chronicle Carrier's Application and Contract.
The DeKalb Daily Chronicle, DeKalb, Illinois.

I have read CAREFULLY the conditions set forth in the contract printed below, and understand the requirements for the same. I hereby apply for the position of Carrier Boy for the DeKalb Daily Chronicle.

There is no question but that a newspaper carrier boy who purchases the papers from a publisher and re-sells the same as his own business and does not enter into a contract of employment with the publisher for such service would not be under the Workmen's Compensation Act of Illinois.

It is my opinion that by the terms of the application and the contract entered into between the DeKalb County Publishing Company and its carriers falls within the definition of "employee," provided by Section 5 and that the contract is one of employment as contemplated by the Act for which the employer, in the event that he is engaging in such business as to fall within Section 3 of the Workmen's Compensation Act, must make provision for compensation in case of injury to a carrier.

III. SCHEDULES USED IN THE INVESTIGATION IN 1935-36
OF WORK ACCIDENTS TO MINORS IN ILLINOIS IN 1933

COMPENSABLE ACCIDENTS TO MINORS IN Illinois.

(Used for copying materials from the records of the Industrial Commission).

Sch. No. _____ Ac. No. 3 _____

1. Name injured _____ 2. Add. _____

3. Age _____ 4. Birthday nr / / 5. Sex M F 6. (a) Occ. _____

(b) Hrs. per day _____ (c) per wk _____ (d) days per wk _____ 7. Dur. job nr _____

8. Av. wages per wk \$ _____ 9. (a) Date acc. / / 33. (b) Hr. day _____ am pm nr (c) Date

inj. ceased work / /. 10. (a) Inj. ret. work Y N nr (b) When nr / / . (c) Dur. Dis-

ability wks _____ das. _____ (d) At what occ. nr _____ (e) Wage nr \$ _____ wk

11. Employer _____ 12. Place acc. _____

13. Business _____ 14. Cause of acc. _____

15. Name of machine, motor, tool, appliance in connection with which
acc. occurred. inap. _____ 16. Driven by ^{inap}nr _____ power.

17. Hand, mech., feed inap. 18. Part machine ^{inap}nr _____ 19. Safety app. or

reg. Y N ^{inap}nr 20. Use Y N ^{inap}nr 21. Nature of injury _____

22. Amputation Y N nr 23. Nature amp. nr inap. _____

24. Death Y N 25. Date death inap. / / . 26. Dependents & relatives:
nr _____

27. (a) Medical aid by employer Y N (b) Med. hosp. costs nr \$ _____ (c) Arti-
ficial member furnished: arm, leg, hand, foot, eye, teeth, inap. \$ _____

28. Sing. penalty comp. 29. (a) agree, arb., review, lump, other (sp) _____

(b) Commission No. inap. _____ 30. Compensation: (a) Per. Comp. _____ wks

das. _____ (b) Rate per wk nr \$ _____ (c) Comp. for: temp. tot.; loss of (sp)

inap. _____; _____ % inap. loss of use of (sp) _____ disfig. to face, head,

hands; perm. part.; perm. tot.; death; temp. part.; other (sp) _____ inap. _____

(d) Totl. cash comp. without penalty \$ _____ (e) Penalty \$ _____ (f) Tot. cash

comp. without penalty \$ _____ 31. (a) Gross amt. lump sum set. inap. \$ _____

(b) Commutation deducted \$ _____ (c) Net amt \$ _____ (d) Award No. _____ wks.

32. Employment Cert. (Ch. over 14 & under 16) (a) Y N nr (b) No. inap. _____

(c) Date issued / / (d) For what job _____

33. (a) Violation Y N (b) Nature of _____

34. (a) Sup. Data Y N (b) Forms _____ (c) Letters Y N (sp) _____

COMPENSABLE ACCIDENTS TO MINORS IN ILLINOIS (Home Interviews)

Sch. No. _____ Worker _____ Date _____

1. (a) Name _____ (b) M F (c) Add. _____

2. (a) Ch. W B O N F _____ (b) S N R N 5. (a) B. Date M _____ D _____ Y _____

3. (a) Fa. W B O N F _____ (b) S N R N (b) Bg. Work M _____ D _____ Y _____

4. (a) Mo. W B O N F _____ (b) S N R N (c) Acc. Job M _____ D _____ Y _____

6. SCHOOL: (a) Gr. Com. _____ (b) Tr. prior _____ (d) Voc. Rehb. Begun Y N Inap _____

(c) Tr. sub. _____ Finished Y N Inap. (exp) _____

7. (a) Date acc. / / 33 (b) Hr. da. _____ am pm (c) Wage per wk \$ _____ (d) Dur. job _____

(e) Dur. Disability OR mons. _____ wks. _____ das. _____ CS mons. _____ wks. _____ das. _____

(f) Occ. _____ (g) Reg. N _____ (h) Dur. Occ. _____

(i) Business _____ (j) Cause acc. _____

(k) Nature & extent of injury _____

8. (a) RIGHTS Y N (b) How? (exp.) _____

9. (a) Oth. ind. accs. N Y (exp.) _____

MEDICAL AID:

10. (a) From empl. Y N (b) Hosp. _____ wks. _____ das. \$ _____ (c) Phy. _____ wks. _____ das. \$ _____

(b) Other (sp. exp.) _____

11. Costs to inj. Y N (sp) _____

WORK HISTORY (subsequent to accident):

12. (a) Occupa- tion	(b) Busi- ness	(c) Beg.	(d) Left	(e) Dur.	(f) (g) Wage	(h) left	Reason (i) unem- ployed
(See instructions)					S N		
					S N		
					S N		
					S N		
					S N		

COMPENSATION:

13. (a) Penalty single (b) Paid penalty single (c) Exp. _____

(d) Tot. gross \$ _____ (e) Ded. (exp) _____ (f) Net \$ _____

PAID:

14. (a) Wkly (wks _____) Lump (exp) _____ (b) Oth (sp) _____

(c) Pd. to Ch. Oth. (sp) _____ (d) Date pay. M _____ D _____ Y _____

RECOVERY:

15. (a) Comp: agree, award, set. con., (b) Suit (c) Oth (sp) _____

16. (a) Contact Y N (b) When _____ (c) Who (exp) _____

17. LAWYER: (a) Y N (b) Name _____ (c) Add _____

(d) How obtained _____ (e) Purpose & result (exp) _____

18. FEES: (a) Agree. services Y N (b) Flat \$ _____ (c) Con. % (d) Exp. _____

(e) Agree costs Y N (f) C A _____

19. COSTS: Pd. as ind. (18e) Y N (amt \$ _____) (exp) _____

20. (a) COURT Y N (sp) _____ (b) Term _____

21. TRIAL: Y N (exp) _____

22. EXPENDED: Fam (exp) Own (exp) Saving Training oth. (sp) (exp) _____

23. FAMILY COMPOSITION

	(a) Mem.	(b) F M	(c) Child -16 16+	(d) W.E.	(e) k. inc.	(f) Oth. Hsld.	(g) Cont. oth.
Child began work		F M					
Time accident		F M					
Present		F M					

24. Soc. Ag. Y N (exp) _____

BIBLIOGRAPHY

Laws

- California General Laws, Deering, 1931.
- Illinois Session Laws, 1853, 1869, 1871-72, 1873, 1877, 1879, 1883, 1887, 1899, 1903, 1907, 1910, 1911, 1913, 1917, 1923, 1927, 1931, 1933, 1936, 1937.
- Illinois Revised Statutes, 1933, Cahill.
- Illinois Revised Statutes, 1933, Smith-Hurd.
- Illinois Revised Statutes, 1935, Smith-Hurd.
- Illinois State Bar Statutes, 1935, Cahill.
- Illinois Revised Statutes, 1937, State Bar Association Edition.
- Indiana Statutes, Burns' Annotated, 1933.
- Maryland Laws, 1920.
- Massachusetts General Laws, Tercentenary Edition, 1932.
- Michigan Laws, 1934, Baldwin's Supplement Compiled.
- New York Consolidated Laws, 1930, Cahill.
- New York Laws, 1935.
- Ohio Code, Throckmorton's Annotated, Baldwin Revision, 1934.
- Pennsylvania Statutes, Purdon's Annotated, 1929.
- Wisconsin Session Laws, 1935; 1937.
- Wisconsin Statutes, 1931; 1933.

Court Decisions

- American Car & Foundry Co. v. Armentraut, 214 Ill. 509 (1905).
- Henry Baier et al v. Fred Selke, 211 Ill. 512 (1904).
- Chicago and Alton R. R. Co. v. Murphy, 53 Ill. 336, 339 (1870).
- Chicago Daily News Co. v. Industrial Commission, 306 Ill. 212 (1923).
- The Chicago, Wilmington and Franklin Coal Co. v. Industrial Commission, 303 Ill. 540 (1922).
- Clark Co. v. Industrial Commission, 291 Ill. 561.
- The Columbus, Chicago & Indiana Central R. Co. v. Nicholas Troesch, 68 Ill. 545, 546 (1873).
- Farwell v. Boston and Worcester R. Corp., 4 Metcalf's Reports 49 (1842).
- Forscher v. Industrial Board, 278 Ill. 99 (1917).
- Goelitz v. Industrial Board, 278 Ill. 164 (1917).

- G.T.W.R.R.Co. v. Industrial Commission, 291 Ill. 167 (1919).
Hawkins v. Bleakly, 243 U. S. 210 (1917).
Helmbacker v. Garrett, 119 Ill. App. 166 (1903).
Honner v. Illinois Central R. Co., 15 Ill. 550 (1854).
Illinois Zinc Co. v. Industrial Com., 355 Ill. 253 (1934).
Indian Hill Club v. Industrial Commission, 309 Ill. 271 (1923).
Ives v. South Buffalo Railway Co., 201 N. Y. 271 (1911).
Kelly v. The St. Louis Smelting and Refining Co., 307 Ill. 367 (1923).
Landry v. Shinner, 344. Ill. 579 (1932).
McCreery v. Libby-Owens Ford Glass Co., 363 Ill. 321 (1936).
Fred Messmer v. Industrial Commission, 282 Ill. 562 (1918).
The Metal Stamping Corp. v. The Industrial Commission, 285 Ill. 528 (1918).
Frank Moll v. Industrial Commission, 228 Ill. 347 (1919).
Mt. Timber Co. v. State of Washington, 243 U. S. 219 (1917).
Murray v. S. Carolina Ry. Co., McMullan's Law 385 (1841).
Newton v. Illinois Oil Co., 316 Ill. 416 (1925).
N. Y. Central v. White, 243 U. S. 188 (1917).
James Parks v. The Libby-Owens Ford Glass Co., 360 Ill. 30 (April 17, 1935).
Priestley v. Fowler, 3 Meeson and Welsby, Exchequer Reports 1 (1837).
The Richardson Sand Co., v. Industrial Commission, 296 Ill. 335 (1921).
Schillinger Bros. Co. v. Ernst E. Smith, 225 Ill. 74 (1907).
John M. Smyth Co. v. Industrial Commission, 306 Ill. 171 (1922).
Strafford v. Republic Steel, 238 Ill. 371 (1909).
Wabash St. Louis and Pacific R. Co. v. Thompson, 10 Ill. App. 271 (1882).
Walgreen Co. v. Industrial Commission, 323 Ill. 194 (1926).
Wells v. O'Hare, 209 Ill. 627 (1904).
Zurich General Accident Company v. Illinois Industrial Commission, 331 Ill. 576 (1928).

Public Documents

- Gray, Edith S. Industrial Accidents to Employed Minors in Wisconsin, Massachusetts, and New Jersey. U. S. Children's Bureau, Publication No. 152. Washington: Government Printing Office, 1926.
- Hookstadt, Carl. Comparison of Workmen's Compensation Insurance and Administration, Department of Labor, Bureau of Labor Statistics, Bulletin No. 301. Washington: Government Printing Office, 1922. Pp. iv + 194.

- Illinois Civil Service Commission. Classification of Positions of the Illinois State Civil Service Commission. Springfield, Illinois.
- Illinois Department of Labor. The Labor Bulletin. A monthly journal published by the Illinois Department of Labor, 1923-1933.
-
- . Thirteenth Annual Report, 1930. Springfield: Journal Printing Co., 1931.
- Illinois Employers' Liability Commission. Report 1910. Chicago: Stromberg, Allen & Co., 1910.
- Illinois Industrial Commission. Annual Report, 1919. Springfield: Illinois State Journal Co., 1930.
-
- . Annual Report, 1920. Springfield: Illinois State Journal Co., 1921.
-
- . Annual Report, 1921. Springfield: Illinois State Journal Co., 1922.
-
- . Rules Governing Practice and Procedure Before the Industrial Commission. Effective July 1, 1934. Chicago: Ill. Industrial Commission.
- Illinois Industrial Insurance Commission. Report to the Governor of Illinois. Springfield: Phillips Bros., 1907.
- Illinois, Journal of the House of Representatives of the General Assembly of (cited as Illinois House Journal):
- 44th Biennial Session, 1905.
50th Biennial Session, 1917.
57th Biennial Session, 1931.
- Illinois, Journal of the Senate of the General Assembly of (cited as the Illinois Senate Journal):
- 44th Biennial Session, 1905.
47th Biennial Session, 1911.
57th Biennial Session, 1931.
- Illinois Legislative Reference Bureau. Legislative Synopsis and Digest of the 57th General Assembly of Illinois, No. 21. Springfield: Journal Printing Co., 1931.
- Matthews, Ellen N. The Illegally Employed Minor and the Workmen's Compensation Law. U. S. Children's Bureau, Publication No. 214. Washington: Government Printing Office, 1932.
- Noll, Miriam. Accidents to Employed Minors in Illinois. Illinois Bureau of Labor Statistics, Bulletin No. 1. Chicago: Illinois State Department of Labor, Industrial Commission, 1927.
- Pennsylvania Department of Labor and Industry. An Analysis of Compensated Accidents to Minors for the Year 1924. Special Bulletin No. 17. Harrisburg, Pennsylvania, 1926.
- Swanish, Peter T. The Costs of Industrial Accidents in Illinois for the Year 1932. Mimeographed Report, December 27, 1935. Chicago: Illinois Department of Labor, Division of Statistics and Research.
-
- . The Costs of Industrial Accidents in Illinois for the Year 1935. Mimeographed Report, March, 1936. Chicago: Illinois Department of Labor, Division of Statistics and Research.

- . The Costs of Industrial Accidents in Illinois for the Year 1933. Mimeographed Report, June 15, 1936. Chicago: Illinois Department of Labor, Division of Statistics and Research.
- . Statistical Summary of Changes in Employment During 1936. Mimeographed Report. Chicago: Illinois Department of Labor, Division of Statistics and Research, 1937.
- U. S. Bureau of the Census. Fifteenth Census of the United States: 1930. Alphabetical Index of Occupations. Washington: Government Printing Office, 1930.
- . Fifteenth Census of the United States: 1930. Population, Occupations by States, Vol. IV. Washington: Government Printing Office, 1933.
- . Fifteenth Census of the United States: 1930. Population, Composition and Characteristics of the Population Alabama-Missouri, Vol. III, Part I. Washington: Government Printing Office, 1932.
- U. S. Bureau of Labor Statistics. Comparison of Workmen's Compensation Insurance and Administration. Bulletin No. 301. Washington: Government Printing Office, 1922.
- . Standardization of Industrial Accident Statistics. Bulletin No. 276. Washington: Government Printing Office, 1920.
- . Handbook of Labor Statistics 1936 Edition. Bulletin No. 616. Washington: Government Printing Office, 1936.
- U. S. Children's Bureau. Child Labor Facts and Figures. Publication No. 197, unrevised ed. Washington: Government Printing Office, 1930.
- . (Matthews, E. N.) The Illegally Employed Minor and the Workmen's Compensation Law. Publication No. 214. Washington: Government Printing Office, 1932.
- . (Gray, Edith S.) Industrial Accidents to Employed Minors in Wisconsin, Massachusetts, and New Jersey. Publication No. 152. Washington: Government Printing Office, 1926.
- U. S. Department of Labor, Division of Labor Standards. Digest of Principal State Labor Legislation. A revised report as reported to September 15, 1935. Washington: Government Printing Office, 1935.
- . Discussion of Industrial Accidents and Diseases. Bulletin No. 2. A report of the 1934 Convention of the Int'l. Ass'n. of Industrial Accident Boards and Commissions. Washington: Government Printing Office, 1935.
- . Discussion of Industrial Accidents and Diseases. Bulletin No. 4. A report of the 1935 Convention of the Int'l. Ass'n. of Industrial Accident Boards and Commissions. Washington: Government Printing Office, 1936.
- . Discussion of Industrial Accidents and Diseases. Bulletin No. 10. A report of the 1936 Convention of the Int'l. Ass'n. of Industrial Accident Boards and Commissions. Washington: Government Printing Office, 1937.

. Discussion of Labor Laws and Their Administration. Bulletin No. 1. A report of the 1934 Convention of the Int'l. Ass'n. of Government Labor Officials. Washington: Government Printing Office, 1935.

. Proceedings of the Second National Conference on Labor Legislation. Bulletin No. 3. Washington: Government Printing Office, 1935.

Reports

- Altmeyer, Arthur Joseph. The Industrial Commission of Wisconsin. A case study in labor law legislation prepared for the University of Wisconsin Studies in the Social Sciences and History, No. 17. Madison: University of Wisconsin, 1932.
- American Association for Labor Legislation. Proceedings of First Annual Meeting, 1907. New York: American Association for Labor Legislation, 1907.
- American Medical Association, Bureau of Medical Economics. Medical Relations under Workmen's Compensation. Chicago, 1933.
- Chicago Federation of Labor. The Federation News. A weekly paper published by the Chicago Federation of Labor.
- de Lima, Agnes, and McConnell, Beatrice. Casualties of Child Labor. A report of ten children illegally employed in Pennsylvania and what happened to them. Philadelphia: Consumers' League of Eastern Pennsylvania, 1924.
- Gibbons, C. E., and Stansbury, C. T. When Children Are Injured in Industry. New York: National Child Labor Committee, 1933.
- Illinois State Federation of Labor. Proceedings of the 1914 Convention. Peoria: Bush Printing Co., 1915.
-
- . Proceedings 1916 Convention. Chicago: Faehse and Dienhart.
- Kelley, Florence, and Marsh, Marguerite. A Skeleton in Industry's Closet, Youth's Compensation for Industrial Injuries, No.4. New York City: National Consumers' League, 1929.
- Kelley, Florence, and Myers, Dorothy W. Children's Compensation for Industrial Accidents. How the States Love Their Children, No. 1. A preliminary study. New York City: National Consumers' League, 1926.
-
- . Children's Compensation for Industrial Injuries. What Price Children? No. 2. A preliminary study. New York City: National Consumers' League, 1927.
- Lander, Estelle. Wanted: A New Deal in Place of the Racketeering in Workmen's Compensation. Philadelphia: Consumers' League of Eastern Pennsylvania, 1934. Pp. 46.
- National Child Labor Committee. When Children are Injured in Industry. A report of a follow-up study of 167 children injured in industrial accidents in Tennessee, Illinois, and Wisconsin. Publication No. 367. New York City: National Child Labor Committee, 1933. Pp. 43.
- Newquist, M. N. "Medical and Surgical Service in Industry and

Workmen's Compensation Laws," Bulletin of the American College of Surgeons, Vol. XVIII (March, 1934), No. 1A.

- Norcross, Carl. Vocational Rehabilitation and Workmen's Compensation. New York: The Rehabilitation Clinic, 1936.
- Singleton, Evelyn Ellen. Workmen's Compensation in Maryland. Series LIII, No. 2 of the Johns Hopkins University Studies in historical and political science. Baltimore: Johns Hopkins Press, 1935.

Books

- American Medical Directory, 1931. Chicago: American Medical Association, 1931.
- American Medical Directory, 1934. Chicago: American Medical Association, 1934.
- Angerstein, George W. The Employer and the Workmen's Compensation Act of Illinois. Chicago: Hawkins & Loomis Co., 1923.
- Angerstein, Thomas C. The Employer and the Workmen's Compensation Act of Illinois. Chicago: Hawkins & Loomis Co., 1930.
- Armstrong, Barbara N. Insuring the Essentials. New York: Macmillan Co., 1932.
- Beckner, Earl R. A History of Labor Legislation in Illinois. Chicago: The University of Chicago Press, 1929.
- (The) Centennial History of Illinois. Vol. V. Chicago: A. C. McClurg & Co., 1922.
- Chicago Medical Blue Book, 44th Annual Edition, 1933-1934. Chicago: McDonough & Co.
- Chicago Medical Blue Book, 43d Annual Edition, 1930-31-32. Chicago: McDonough & Co., 1931.
- Chicago Medical Blue Book, 45th Annual Edition, 1935-1936. Chicago: Eugene Clark, 1935.
- Dodd, Walter F. Administration of Workmen's Compensation. New York: The Commonwealth Fund, 1936.
- Downey, E. H. Workmen's Compensation. New York: Macmillan Co., 1924.
- Harper, Samuel A. The Law of Workmen's Compensation. Chicago: Callaghan & Co., 1920. 2d ed.
- Schneider, George A. The Workmen's Compensation Act. The decisions and dicta of the Supreme Court of Illinois, 1912-1919. Chicago: George A. Schneider, 1919.
- _____. The Workmen's Compensation Act. A supplementary compilation of the decisions and dicta of the Supreme Court of Illinois, 1912-1921. Chicago: George A. Schneider, 1921.
- Staley, Eugene. History of the Illinois State Federation of Labor. Chicago: The University of Chicago Press, 1929.
- White House Conference on Child Health and Protection. Section III Education and Training. Committee on Vocational Guidance and Child Labor. Child Labor. New York: The Century Co., 1932.

Articles

- American College of Surgeons. "Minimum Standards for Medical Service in Industry," 22nd Yearbook, 1935. Chicago: R. R. Donnelley & Sons Co., 1935. P. 39.
- Carr, Charlotte E. "Three Years' Work of the Bureau of Women and Children," Labor and Industry, XV (October, 1928), 35.
- Chicago Daily News. "State Ousts Harriet Ried." April 17, 1937, p. 1.
- Dawson, Marshall. "Cooperation of Workmen's Compensation Administration with Rehabilitation Agencies," Monthly Labor Review, XLII, No. 2 (February, 1936), 300-311.
- Gernon, James L. "Progress Made in the Prevention of Industrial Injuries," Discussion of Industrial Accidents and Diseases, Department of Labor, Division of Labor Standards, Bulletin No. 2, 1934. Washington: Government Printing Office, 1934. Pp. 217-26.
- Henderson, C. R. "Workingman's Insurance in Illinois," Publications of the American Economic Association, IX (1908), 183-98.
- Illinois Department of Labor. "Additional Compensation for Illegal Employment of Minors in Illinois," The Labor Bulletin, December, 1930. Pp. 107-10.
- Little, R. M. "Lump Sums in Compensation Administration," Discussion of Industrial Accidents and Diseases, Department of Labor, Division of Labor Standards, Bulletin No. 4, 1936. Washington: Government Printing Office, 1936.
- McConnell, Beatrice. "The Illegally Employed Child in Industry," Labor and Industry, XIV (July, 1927), 3-10.
- _____. "Injured Children Excluded from the Benefits of Workmen's Compensation," Labor and Industry, XV (July, 1928), 3-9.
- _____. "Illegally Employed Minors and Workmen's Compensation," Labor and Industry, XVII (December, 1930), 4-12.
- _____. "Industrial Accidents to Minors and Workmen's Compensation," Labor and Industry, XVIII (December, 1931), 3-12.
- Merritt, Ella A. "Child Labor under the N.R.A. as Shown by Employment Certificates Issued in 1934," Monthly Labor Review, XLI (1935), 1477-1491.
- Stone, Marian Faas. "Industrial Accidents to Employed Minors in California in 1932," Monthly Labor Review, XXXIX (November, 1934), 1078-94.
- U. S. Bureau of Labor Statistics. "California's Restrictions upon Industrial Employment of Minors," Monthly Labor Review, XXVI (1928), 937-38.
- _____. "Child Labor in the U. S. 1932," Monthly Labor Review, XXXVI (December, 1933), 1365.
- _____. "General Index Numbers of Employment and Pay-roll Totals in Manufacturing Industries," Monthly Labor Review, XXXVIII (February, 1934), 389-412.

- U. S. Children's Bureau. "The Trend of Child Labor in 1936," The Child, I (November, 1936), 14-15.
- Weiss, Harry. "Physicians, Insurance Companies, and Injured Workers," American Federationist, XL, Part I (1935), 463-69.
- Wilcox, Sidney W. "Statistics in the Service of Accident Prevention," Discussion of Labor Laws and Their Administration, Department of Labor, Division of Labor Standards, Bulletin No. 1. Washington: Government Printing Office, 1935. Pp. 38-44.
- Zorbaugh, Grace S. M. "Lump-Sum Compensation," American Federationist, XXXVI, No. 4 (April, 1929), 430-37.

Unpublished Materials

- Cumming, Roger J. Owen. "A Study of Physicians Treating Minors Injured in Work Accidents in Chicago, 1933." Unpublished Master's thesis, School of Social Service Administration, University of Chicago, 1935.
- Illinois Department of Labor, Division of Statistics and Research. "Illinois Industrial Accident Codes." Unpublished reports as of January 1, 1932, corrected to June 27, 1933.
- "Why Illinois Should Adopt a 18 Year Old Minimum for the Employment of Children." Mimeographed Report, Illinois Child Labor Committee, Grace Abbott, Chairman. Chicago, January, 1937.

